



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 4, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Individuals and Corporations.

PROMISSORY NOTE.

Destroyed by fire.

The Government Promissory Notes, No. 048744 of the 3½ per cent. of 1854-55 for Rs500, No. 100334 of the 3½ per cent. of 1865 for Rs1,000, and No. 094839 of the 3½ per cent. of 1865 for Rs500, originally standing in the name of Bank of Bengal, Calcutta, and last endorsed to Srimaty Kumud Kamini Kar, the proprietress, by whom they were never endorsed

to any other person, have been destroyed by fire which broke out at Goalundo on the 23rd March 1899. Payment of the above Notes and interest therefor have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietress.

ADVERTISER—SRIMATY KUMUD KAMINI KAR,
C/o BABU PARESH NATH KAR,
Ticket Collector, Eastern Bengal State Railway,
Goalundo, District Faridpur.

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CALCUTTA, SATURDAY, JULY 8, 1899.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

Abstract Statement of the Uncovenanted Service Family Pension Fund for the quarter ending 31st October 1898, being the second quarter of the year 1898-99, compared with the corresponding quarter of the year 1897-98.

PARTICULARS.	For the quarter ending 31st October 1898.			For the quarter ending 31st October 1897.			Increase.			Decrease.		
	R.	a.	p.	R.	a.	p.	R.	a.	p.	R.	a.	p.
Balance at credit of the Fund on the Government books at the end of the previous quarter	1,38,88,197	8	7	1,35,99,359	4	9	2,88,838	3	10	.....	
ADD RECEIPTS—												
Subscriptions from 1st August to 31st October 1898 in the Widows' Fund	11,35,874	11	3	1,35,625	3	3	247	8	0	.....	
Subscriptions from 1st August to 31st October 1898 in the Children's Fund	70,478	7	3	70,988	3	3	.....			589	12	0
Fees and stamps	31	8	0	24	8	0	7	0	0	.....	
Amount at credit of subscribers under Rule 55 transferred to divisible surplus	630	2	0	377	4	0	253	14	0	.....	
Amount of fine imposed on subscriptions in arrear	18	1	4	.....			18	1	4	.....	
Amount of interest charged on subscriptions in arrear	3	6	0	.....			3	6	0	.....	
TOTAL RECEIPTS	2,16,034	3	10	2,16,015	2	6	588	13	4	589	12	0
GRAND TOTAL	1,41,04,231	12	5	1,38,15,374	7	3	A 2,89,367	1	2	589	12	0
DEDUCT DISBURSEMENTS—												
Pensions payable to incumbents in the Widows' Fund	1,30,533	12	7	1,27,408	6	8	3,125	5	11	.....	
Pensions payable to incumbents in the Children's Fund	84,543	6	7	81,897	14	3	2,645	8	4	.....	
Establishment, including house-rent and contingencies	10,587	11	0	7,387	13	4	3,199	13	8	.....	
Loss by exchange on remittances out of India	14,513	14	3	10,417	7	3	.....			1,903	8	11
Commission paid on account of money-orders	615	14	0	617	2	6	.....			1	4	0
TOTAL DISBURSEMENTS	2,40,794	10	11	2,33,728	11	11	B 8,970	11	11	1,904	12	11
Balance in favour of the Fund	1,38,63,437	1	6	1,35,81,645	11	4	C 2,80,396	5	3	1,395	0	11
GRAND TOTAL	1,41,04,231	12	5	1,38,15,374	7	3	2,89,367	1	2	589	12	0
Proportion of divisible surplus payable to qualified members of more than five years' standing	1,28,466	0	0	1,21,399	5	0	7,066	11	0	.....	
	Widows' Fund.	Children's Fund.		Widows' Fund.	Children's Fund.		Widows' Fund.	Children's Fund.		Widows' Fund.	Children's Fund.	
Number of subscribers	1,473	948		1,482	949		.....	.....		.....	.....
Ditto of incumbents	597	826		580	813		17	13		7	1	
Ditto of subscribers sharing abatement	1,230	780		1,250	801		.....	.....		30	21	

A.—Net increase in grand total of receipts 2,88,857 5 2
B.—Net increase in total disbursements 7,065 15 0
C.—Net increase in balance 2,81,791 6 2

LOVELOCK AND LEWES, Chartered Accountants, } Auditors.
S. GEORGE, Professional Accountant, }

F. W. DEMONTE,
Accountant.

Published by order of the Directors.

H. W. STEVENS,
Secretary, U. S. F. P. Fund.

Calcutta, the 3rd June 1899.

PROMISSORY NOTES.**Destroyed by fire.**

The Government Promissory Notes, No. 048744 of the 3½ per cent. of 1854-55 for Rs500, No. 100334 of the 3½ per cent. of 1865 for Rs1,000, and No. 094839 of the 3½ per cent. of 1865 for Rs500, originally standing in the name of Bank of Bengal, Calcutta, and last endorsed to Srimaty Kumud Kamini Kar, the proprietress, by whom they were never endorsed to any other person, have been destroyed by fire which broke out at Goalundo on the 23rd March 1899. Payment of the above Notes and interest therefor have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietress.

ADVERTISER—SRIMATY KUMUD KAMINI KAR,

C/o BABU PARESH NATH KAR,

*Ticket Collector, Eastern Bengal State Railway,
Goalundo, District Faridpur.*

Stolen.

THE Government Promissory Note No. 014179 of the 3 per cent. of 1896-97 for Rs500 (Rupees five hundred only), originally standing in the name of Ajub Coomary Dassi, the proprietress, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal and application is about to be made for the issue of duplicate in favour of the proprietress.

*Name of the Advertiser—KANAI LALL
HALDAR,
Husband and guardian of
AJUB COOMARY DASSI,*

Residence—Fort Monghyr.



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CALCUTTA, SATURDAY, JULY 15, 1899.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

(Sections 64 and 68 of the Code of Civil Procedure.)

IN THE COURT OF SMALL CAUSES AT AGRA.

SUIT NO. 661 OF 1899.

Seth Pitam Mal, son of Sewai Ram, caste Oswal, resident of Roshan, } Plaintiff.
Mohulla Agra, }

VERSUS

Mr. W. Lyon Clark, Budderpore Tea Estate, Post Office Budderpore, } Defendant.
Cachar, Assam, East Bengal }

To Mr. W. Lyon Clark, dwelling at Budderpore.

Whereas the abovenamed plaintiff has instituted a suit in this Court against you for the recovery of Rs 235 on the basis of a Promissory Note dated 20th March, 1896, you are hereby summoned to appear in this Court in person or by a duly authorised pleader of the Court duly instructed and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions, on the 19th day of July, 1899, at 11 o'clock in the forenoon, to answer the abovenamed plaintiff; and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce all your witnesses on that day, and you are hereby required to take notice that, in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence; and you will bring with you, or send by your pleader,

any documents on which you intend to rely in support of your defence.

Given under my hand and the seal of the Court, this 9th day of June, 1899.

RANJIT SINGH,
Clerk of the Court of Small Causes, Agra.

NOTICE.

- (1)—Should you apprehend your witnesses will not attend of their own accord, you can have subpoenas from this Court to compel the attendance of any witness and the production of any document that you have a right to call upon the witness to produce, on applying to the Court at any time before the trial, on your depositing the necessary subsistence money.
- (2)—If you admit the demand, you should pay the money into Court, with the costs of the suit, to avoid the summary execution of the decree, which may be against your person or property, or both, if necessary.

NOTE.—If written statements are required, say—You are (or such a party is, as the case may be) required to put in a written statement by the day of

PROMISSORY NOTES.**Destroyed by fire.**

The Government Promissory Notes, No. 048744 of the 3½ per cent. of 1854-55 for Rs500, No. 100334 of the 3½ per cent. of 1865 for Rs1,000, and No. 094839 of the 3½ per cent. of 1865 for Rs500, originally standing in the name of Bank of Bengal, Calcutta, and last endorsed to Srimaty Kumud Kamini Kar, the proprietress, by whom they were never endorsed to any other person, have been destroyed by fire which broke out at Goalundo on the 23rd March 1899. Payment of the above Notes and interest therefor have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietress.

ADVERTISER—SRIMATY KUMUD KAMINI KAR,

C/o BABU PARESH NATH KAR,
Ticket Collector, Eastern Bengal State Railway,
Goalundo, District Faridpur.

Stolen.

THE Government Promissory Note No. 014179 of the 3 per cent. of 1896-97 for Rs500 (Rupees five hundred only), originally standing in the name of Ajub Coomary Dass, the proprietress, by whom it was never endorsed to

any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietress.

Name of the Advertiser—KANAI LALL HALDAR,

Husband and guardian of
AJUB COOMARY DASS,

Residence—Fort Monghyr.

Stolen.

The Government Promissory Note No. 166525 of the 4 per cent. loan of 1842-43, for Rs500, originally standing in the name of the Bank of Bengal and last endorsed to C. C. Dass & Co., the proprietors, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of duplicate in favour of the proprietors after two years from the date of last advertisement.

Name of the Proprietors—C. C. DASS & CO.,

*Residence—73-76, Radhabanar Street,
Calcutta.*



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PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 22, 1899.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Stolen.

THE Government Promissory Note No. 014179 of the 3 per cent. of 1896-97 for Rs500 (Rupees five hundred only), originally standing in the name of Ajub Coomary Dassi, the proprietress, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietress.

Name of the Advertiser—KANAI LALL HALDAR,
Husband and guardian of
AJUB COOMARY DASSI.
Residence—Fort Mowghyr.

Stolen.

The Government Promissory Note No. 166525 of the 4 per cent. loan of 1842-43, for Rs500, originally standing in the name of the Bank of Bengal and last endorsed to C. C. Dass & Co., the proprietors, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of duplicate in favour of the proprietors after two years from the date of last advertisement.

Name of the Proprietors—C. C. DASS & Co.,
Residence—73-76, Radhabanar Street,
Calcutta.

NOTICE.

Public is hereby informed that on the 10th day of April last Shaikh Gohar Ally, of Shingerbatty, Garden Reach, 24-Pergunnahs, died, possessed of considerable properties, both moveable and immoveable, amongst other Government Securities. Only the numbers of the following which are stolen after his death, with his valuable jewellerys and ornaments, are given. No one should deal with the said Government Securities :—

Nos. 100601 to 100606 and 099591 of 3½ per cent. Loan of 1865.
Seven pieces of Rs1,000 each.

No. 009655	of 3½ per cent. Loan of 1879 for	R20,000.
" 003607	" " " "	R11,200.
" 003611	" " " "	R100.
" 009656	" " " "	R2,500.
" 064315	" 4 per cent. Loan of 1842-43 for	R5,000.
" 064316	" " " "	R5,000.
" 003653	" 3½ per cent. Loan of 1879 for	R11,200.
" 010181	" " " "	R10,000.

S. K. DEB,

*Attorney-at-Law and Attorney for Budarunnessa Begum,
daughter of Shaikh Gohar Ally, deceased.*

5, OLD POST OFFICE STREET ;
Calcutta, the 21st June 1899.

NOTICE.

Notice is hereby given that the partnership which has for some time past been carried on by James Macdonald Murdoch Arthur Milton Cooper Branwell Auckland Reeve Branwell and the undersigned Charles Murdoch Miller under the Firm of Murdoch Miller and Branwell in the business of General Merchants at 5 Fenchurch Street, London, at Times Buildings, Fort Colom-

bo, and at 3 Pollock Street, Calcutta, was this day dissolved so far as concerns the said Charles Murdoch Miller.

Dated this seventeenth day of July One thousand eight hundred and ninety-nine.

CHARLES R. MILLER.

Witness—T. C. SUMMERHAYS, *Solicitor,*
Eastcheap Buildings, Eastcheap, London.



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CALCUTTA, SATURDAY, JULY 29, 1899.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Stolen.

The Government Promissory Note No. 166525 of the 4 per cent. loan of 1842-43, for Rs500, originally standing in the name of the Bank of Bengal and last endorsed to C. C. Dass & Co., the proprietors, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have

been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of duplicate in favour of the proprietors after two years from the date of last advertisement.

Name of the Proprietors—C. C. DASS & CO.,

Residence—73-76, Radhabasar Street,

Calcutta.

NOTICE.

Public is hereby informed that on the 10th day of April last Shaikh Gohar Ally, of Shingerbatty, Garden Reach, 24-Pergunnahs, died, possessed of considerable properties, both moveable and immoveable, amongst other Government Securities. Only the numbers of the following which are stolen after his death, with his valuable jewellerys and ornaments, are given. No one should deal with the said Government Securities :—

Nos. 100601 to 100606 and 099591 of 3½ per cent. Loan of 1865.

Seven pieces of Rs1,000 each.

No. 009655 of 3½ per cent. Loan of 1879 for Rs20,000.

" 003607 " " " Rs11,200.

" 003611 " " " Rs100.

" 009656 " " " Rs2,500.

" 064315 " 4 per cent. Loan of 1842-43 for Rs5,000.

" 064310 " " " Rs5,000.

" 003653 " 3½ per cent. Loan of 1879 for Rs11,200.

" 010181 " " " Rs10,000.

S. K. DEB,

Attorney-at-Law and Attorney for Budarunnessa Begum,
daughter of Shaikh Gohar Ally, deceased.

5, OLD POST OFFICE STREET ;
Calcutta, the 21st June 1899.



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CALCUTTA, SATURDAY, AUGUST 5, 1899.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost.

The Government Promissory Note No. 310650 of the four per cent. of 1865 for Rs. 7,500, originally standing in the name of Kailaseswari Debi Chaudhurani, deceased, converted into the 3½ per cent., bearing No. 045608 3½ per cent. for Rs. 7,500 under the usual 3½ per cent., encasement on the 4 per cent. Note and last endorsed to Kailaseswari Debi Chaudhurani, deceased, the proprietress, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for an issue of duplicate in favour of Babu Surendra Chandra Rai Chaudhuri as administrator of the estate of the said Kailaseswari Debi Chaudhurani, deceased.

Advertiser—SURENDRA CHANDRA RAI CHAUDHURI.

Residence—Mohadebpur Post Office, District Rajshahi.

UNCOVENANTED SERVICE FAMILY PENSION FUND.

Result of votes on the question submitted in Circular No. 2, dated 31st March, 1899.

SUBJECT.	Yes.	No.
Whether Mrs. E. A. Stegemann, widow of the late Mr. E. H. Stegemann, who was struck off for default in 1889, should be admitted to the reduced pension of Rs. 10 per mensem under Rule 40F.	1,098	2

By order of the Directors,
H. W. STEVENS, *Secretary*.

U. S. F. P. FUND OFFICE;
The 10th July, 1899.

Re Jacque Jerome Archer, deceased, late of Mussoorie, European Inhabitant.

Notice is hereby given in pursuance of the provisions of the Indian Succession Act (Act X of 1865) and of the Trustees and Mortgagees Powers Act (Act XXVIII of 1866) that all creditors and persons having or making any claims or demands upon or against the estate of the late Jacque Jerome Archer, formerly of Mussoorie, European Inhabitant, deceased (who died on or about the 28th day of March, 1899, and whose Will was proved in the High Court of Judicature at Bombay on the 30th day of May, 1899, by Lilian Archer, the widow, and Fred. Armfield, both the Executors of the Will of the said deceased), are hereby required to send in particulars in writing of their claims or demands to the undersigned, Messrs. Roughton and Byrne, Solicitors for the Executors, at their office in Tamarind Lane, Fort Bombay, on or before the 31st day of August, 1899, and notice is hereby given that after the said 31st day of August, 1899, the Executors will proceed to administer the estate and distribute the assets of the said deceased amongst the parties entitled thereto, having regard only to the claims and demands of which notice shall then have been received, and the said Executors will not be liable for the assets of the said deceased or any part thereof so distributed to any person or persons of whose claim or demand notice shall not then have been received. And notice is also given that all debtors to the said estate are hereby called upon forthwith to pay the amount of their debts to the said undersigned or to the said Executors.

Dated this 14th day of July, 1899.

ROUGHTON AND BYRNE,

Solicitors for the abovenamed Executors.



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CALCUTTA, SATURDAY, AUGUST 12, 1899.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost.

The Government Promissory Note No. 310650 of the four per cent. of 1865 for Rs. 7,500, originally standing in the name of Kailaseswari Debi Chaudhurani, deceased, converted into the 3½ per cent., bearing No. 045608 3½ per cent. for Rs. 7,500 under the usual 3½ per cent., enforcement on the 4 per cent. Note and last endorsed to Kailaseswari Debi Chaudhurani, deceased, the proprietress, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for an issue of duplicate in favour of Babu Surendra Chandra Rai Chaudhuri as administrator of the estate of the said Kailaseswari Debi Chaudhurani, deceased.

Advertiser—SURENDRA CHANDRA RAI CHAUDHURI.

Residence—Mohadebpur Post Office, District Rajshahi.

Destroyed.

The Government Promissory Notes Nos. 029710 and 075171 of the 3 and 3½ per cent. loan of 1896-97 and 1865, respectively, of Rs. 500 each, originally standing in the name of the Bank of Bengal, and last endorsed to Pannamony Dass, the proprietress, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietress.

Name of the Advertiser—PANNAMONY DASS, X

Witness to her mark KANIE LAL SHAW.

Residence—Pandpoh. At present address—219, Old China Bazar, Calcutta.

Re Jacque Jerome Archer, deceased, late of Mussoorie, European Inhabitant.

Notice is hereby given in pursuance of the provisions of the Indian Succession Act (Act X of 1865) and of the Trustees and Mortgagees Powers Act (Act XXVIII of 1866) that all creditors and persons having or making any claims or demands upon or against the estate of the late Jacque Jerome Archer, formerly of Mussoorie, European Inhabitant, deceased (who died on or about the 28th day of March, 1899, and whose Will was proved in the High Court of Judicature at Bombay on the 30th day of May, 1899, by Lilian Archer, the widow, and Fred. Armfield, both the Executors of the Will of the said deceased), are hereby required to send in particulars in writing of their claims or demands to the undersigned, Messrs. Roughton and Byrne, Solicitors for the Executors, at their office in Tamarind Lane, Fort Bombay, on or before the 31st day of August, 1899, and notice is hereby given that after the said 31st day of August, 1899, the Executors will proceed to administer the estate and distribute the assets of the said deceased amongst the parties entitled thereto, having regard only to the claims and demands of which notice shall then have been received, and the said Executors will not be liable for the assets of the said deceased or any part thereof so distributed to any person or persons of whose claim or demand notice shall not then have been received. And notice is also given that all debtors to the said estate are hereby called upon forthwith to pay the amount of their debts to the said undersigned or to the said Executors.

Dated this 14th day of July, 1899.

ROUGHTON AND BYRNE,

Solicitors for the abovesigned Executors.

IN THE COURT OF THE DISTRICT JUDGE,
QUETTA-PESHIN, AT QUETTA.

(Insolvency Jurisdiction.)

CASE NO. 7 OF 1899.

In the matter of the insolvency of Muhammad Ali, son of Asghar Ali, Kazalbash, Postin maker of Quetta.

Whereas upon enquiry made upon the application of Muhammad Ali, dated the 16th March, 1899, the Court is satisfied that the statements

contained in the application are substantially true, and that the said Muhammad Ali judgment-debtor, has not committed any act of bad faith within the meaning of section 351 of the Code of Civil Procedure, it is ordered that the said Muhammad Ali, judgment-debtor, be, and hereby is, declared insolvent.

Given under my hand and the seal of the Court this 12th day of July, 1899.

J. RAMSAY, *Captain,*
District Judge, Quetta-Peshin.



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CALCUTTA, SATURDAY, AUGUST 19, 1899.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost.

The Government Promissory Note No. 310650 of the four per cent. of 1865 for Rs. 7,500, originally standing in the name of Kailaseswari Debi Chaudhurani, deceased, converted into the 3½ per cent., bearing No. 045608 3½ per cent. for Rs. 7,500 under the usual 3½ per cent., encasement on the 4 per cent. Note and last endorsed to Kailaseswari Debi Chaudhurani, deceased, the proprietress, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for an issue of duplicate in favour of Babu Surendra Chandra Rai Chaudhuri as administrator of the estate of the said Kailaseswari Debi Chaudhurani, deceased.

Advertiser—SURENDRA CHANDRA RAI CHAUDHURI.

Residence—Mohadebpur Post Office, District Rajshahi.

Destroyed.

The Government Promissory Notes Nos. 020710 and 075171 of the 3 and 3½ per cent. loan of 1896-97 and 1865, respectively, of Rs. 500 each, originally standing in the name of the Bank of Bengal, and last endorsed to Pannamony Dassy, the proprietress, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietress.

Name of the Advertiser—PANNAMONY DASSY, X

Witness to her mark KANIE LAL SHAW.

Residence—Pandooah. At present address—219, Old China Bazar, Calcutta.

Destroyed.

The Government Promissory Note, No. 093988, of the 4½ per cent. loan of 1879, for Rs. 300, originally standing in the name of the Bank of Bengal, and last endorsed to Dorabjee Edaljee Hodiwalá, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of duplicates in favour of the proprietor after two years from the date of last advertisement.

DORABJEE EDALJEE HODIWÁLÁ,
Godhra (Panch Mahals).

IN THE COURT OF THE DISTRICT JUDGE,
QUETTA-PESHIN, AT QUETTA.

(Insolvency Jurisdiction.)

CASE NO. 7 OF 1899.

In the matter of the insolvency of Muhammad Ali, son of Asghar Ali, Kazalbash, Postin maker of Quetta.

Whereas upon enquiry made upon the application of Muhammad Ali, dated the 16th March, 1899, the Court is satisfied that the statements contained in the application are substantially true, and that the said Muhammad Ali, judgment-debtor, has not committed any act of bad faith within the meaning of section 351 of the Code of Civil Procedure, it is ordered that the said Muhammad Ali, judgment-debtor, be, and hereby is, declared insolvent.

Given under my hand and the seal of the Court this 12th day of July, 1899.

J. RAMSAY, Captain,
District Judge, Quetta-Peshin.

Stolen.

The Government Promissory Notes Nos. 051468 and 051469, of the 3½ per cent. of 1842-43 aggregating R200, originally standing in the name of Shama Yodo Srimany, and No. 007442, of the 3½ per cent. of 1879, of R500, originally standing in the name of Kedar Nath Bhatta-charjee, and last endorsed to Kedar Nath Bhatta-charjee, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

Name of Advertiser—KEDAR NATH BHATTACHARJEE.

Residence—Bhowanipur, Rosa Road, Beni Madhav Addi's Shop, Calcutta.

NOTICE.

In the matter of the Indian Companies Act and of the Barisal Timber and Miscellaneous Wood Trading Company (unregistered).

By an order made by the District Judge of Backergunge in the above matter, dated the 5th August, 1899, on the petition of Mohima Chandra Roy of Bikna, it was ordered that the above Company be wound up by the Court under provisions of the Indian Companies Act.

GOPAL CHUNDER BISWAS,

Plender for the Petitioner

BARISAL;

The 8th August, 1899.



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CALCUTTA, SATURDAY, AUGUST 26, 1899.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

CITY OF BOMBAY IMPROVEMENT TRUST.

ISSUE OF RS. FIFTY LAKHS FOUR PER CENT. GUARANTEED DEBENTURES REPAYABLE IN SIXTY YEARS.

With the sanction of the Government of India and under the provisions of Sections 52-59 of the City of Bombay Improvement Act, 1898, the Board of Trustees for the Improvement of the City of Bombay hereby invite tenders for a loan of Rs. Fifty Lakhs, bearing interest at FOUR per cent., repayable in SIXTY years by a Sinking Fund to be invested (as required by Sections 55 and 56) half-yearly in public securities.

The interest and sinking fund charges as aforesaid will be a charge on the property and revenues of the Board which include, in addition to the properties for the purchase of which the loan is chiefly required, the rents of certain vacant lands in the city of Bombay, valued in the Schedules of the said Act at Rs. 91,01,551 and an annual contribution from the Municipal Fund not exceeding 2 per cent. on the total rateable value of all buildings and lands in the City (exclusive of buildings exclusively occupied for public worship or for charitable purposes), which contribution is estimated for 1899-1900 at Rs. 4,75,000, besides other receipts reserved to the Board by the provisions of the Act which will be developed by the operations to be undertaken.

The interest on these debentures will constitute a charge on the revenue of the Board prior to the charge for interest payable to the Secretary of State for India in Council and to the Corporation on and from 1st April 1909 in respect of the debt on account of the lands vesting in the Board. (Section 54.)

The payment of interest on these debentures and the setting aside and investment of the sinking fund required for their repayment are GUARANTEED by the provisions of the Statute (assented to by the Governor-General of India) whereby it is directed that in the event of any default being made by the Board in any payment of interest or in the event of the Board failing to set aside and invest any sum required to form the sinking fund, the ACCOUNTANT-GENERAL OF BOMBAY or other Officer for the time being performing the duties of the Office of the said Accountant-General shall make such payment or set aside and invest such sum as may be required to be invested. (Section 80.)

The Board reserve to themselves the right of refusing tenders if they consider the rates offered to be too low, but, subject to this reservation, allotments will be made in full to the highest Tenderers, and rateably to the Tenderers offering the lowest rate accepted by the Board.

These debentures will be issued for sums of Rs. 500 or multiples of Rs. 500, as may be required; they will be repayable to holder in Sixty years, and will bear interest at 4. per cent. per annum, payable half-yearly.

2 per cent. of the amount tendered to be deposited on application, and the balance on or before Saturday, the 30th September 1899, from which date interest will accrue.

The deposit of 2 per cent. will be returned if no allotment is made, and it will be forfeited if an allotment is not fully taken up on the last date named.

Tenders will be received by the Secretary, Bombay Improvement Trust, up to one o'clock P.M. (Gun-fire), on Thursday, the 31st August, 1899, and they will thereafter be opened in the presence of the Chairman of the Improvement Trust.

Printed forms of Tender can be obtained on application to the Secretary.

By order of the Board,
W. N. SHILSTONE,
Secretary.

OFFICE OF THE IMPROVEMENT TRUST,
ALBERT BUILDINGS, HORNBY ROAD,
Bombay, 7th August 1899.

BOMBAY IMPROVEMENT TRUST.

Debenture Loan, 1899.

FORM OF TENDER.

I _____
hereby tender for Rupees _____
of Bombay Improvement Trust Debentures, and agree to pay for the same, subject to the
conditions advertised, at the rate of Rupees _____

Annas _____ for every Hundred Rupees allotted to me

I enclose Rupees _____
and engage, if my offer be accepted, to pay to the account of the Trustees at
the Bank of Bombay the balance of the allotment on or before the 30th September, 1899.

I require the amount in _____
Debentures of Rupees _____ each.

(Signature) _____

(Address) _____

PROMISSORY NOTES.**Destroyed.**

The Government Promissory Notes Nos. 029710 and 075171 of the 3 and 3½ per cent. loan of 1896-97 and 1865, respectively, of Rs500 each, originally standing in the name of the Bank of Bengal, and last endorsed to Pannamony Dassy, the proprietress, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietress.

Name of the Advertiser—**PANNAMONY DASSY, x**

Witness to her mark **KANIE LAL SHAW.**

Residence—Pandooah. At present address—219, Old China Bazar, Calcutta.

Destroyed.

The Government Promissory Note, No. 093988, of the 4½ per cent. loan of 1879, for Rs300, originally standing in the name of the Bank of Bengal, and last endorsed to Dorabjee Edaljee Hodiwalá, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of duplicates in favour of the proprietor after two years from the date of last advertisement.

DORABJEE EDALJEE HODIWALÁ,
Godhra (Panch Mahals).

Stolen.

The Government Promissory Notes Nos. 051468 and 051469, of the 3½ per cent. of 1842-43 aggregating Rs200, originally standing in the name of Shama Podo Srimany, and No. 007442, of the 3½ per cent. of 1879, of Rs500, originally standing in the name of Kedar Nath Bhattacharjee, and last endorsed to Kedar Nath Bhattacharjee, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

Name of Advertiser—**KEDAR NATH BHATTACHARJEE.**

Residence—Bhowanipur, Rosa Road, Beni Madhav Addi's Shop, Calcutta.

Notice.

In the matter of the Indian Companies' Act 1882

and

In the matter of the Behar Machine Works Company, Limited.

By an order made by the District Court of Patna in the above matter dated the 19th day of August 1899 it was ordered that the Behar Machine Works Company Limited be wound up by the said court under the provisions of the Indian Companies' Act 1882.

Dated this 25th day of August 1899.

L. WARLOW HARRY,

6, Old Post Office Street, Calcutta.

Attorney to the Petitioning Creditors, Marshall Sons & Co., Ltd.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 2, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

CITY OF BOMBAY IMPROVEMENT TRUST.

ISSUE OF RS. FIFTY LAKHS FOUR PER CENT. GUARANTEED DEBENTURES
REPAYABLE IN SIXTY YEARS.

REVISED NOTIFICATION.

With the sanction of the Government of India and under the provisions of Sections 52-59 of the City of Bombay Improvement Act, 1898, the Board of Trustees for the Improvement of the City of Bombay hereby invite tenders for a loan of Rs. Fifty Lakhs, bearing interest at FOUR per cent., repayable in SIXTY years by a Sinking Fund to be invested (as required by Sections 55 and 56) half-yearly in public securities.

The interest and sinking fund charges as aforesaid will be a charge on the property and revenues of the Board, which include, in addition to the properties for the purchase of which the loan is chiefly required, the rents of certain vacant lands in the City of Bombay, valued in the Schedules of the said Act at Rs. 91,01,551 and an annual contribution from the Municipal Fund not exceeding 2 per cent. on the total rateable value of all buildings and lands in the City (exclusive of buildings exclusively occupied for public worship or for charitable purposes), which contribution is estimated for 1899-1900 at Rs. 4,75,000, besides other receipts reserved to the Board by the provisions of the Act which will be developed by the operations to be undertaken.

The interest on these debentures will constitute a charge on the revenue of the Board prior to the charge for interest payable to the Secretary of State for India in Council and to the Corporation on and from 1st April, 1909, in respect of the debt on account of the lands vesting in the Board. (Section 54.)

The payment of interest on these debentures and the setting aside and investment of the sinking fund required for their repayment are GUARANTEED by the provisions of the Statute (assented to by the Governor-General of India), whereby it is directed that in the event of any default being made by the Board in any payment of interest or in the event of the Board failing to set aside and invest any sum required to form the sinking fund, the ACCOUNTANT-GENERAL OF BOMBAY or other Officer for the time being performing the duties of the Office of the said Accountant-General shall make such payment or set aside and invest such sum as may be required to be invested. (Section 80.)

The Board reserve to themselves the right of refusing tenders if they consider the rates offered to be too low, but subject to this reservation, allotments will be made in full to the

highest Tenderers, and rateably to the Tenderers offering the lowest rate accepted by the Board.

These debentures will be issued for sums of Rs500 or multiples of Rs500, as may be required; they will be repayable to holder in Sixty years from 1st November 1899, and will bear interest at 4 per cent. per annum, payable half-yearly.

2 per cent. of the amount tendered to be deposited on application, and the balance on or before Tuesday, the 31st October, 1899; interest to accrue from date of actual payment.

The deposit of 2 per cent. will be returned if no allotment is made, and it will be forfeited if an allotment is not fully paid up on the 31st October.

Tenders will be received by the Secretary, Bombay Improvement Trust, up to one o'clock P.M. (gun-fire), on Monday, the 2nd October, 1899, and they will thereafter be opened in the presence of the Chairman of the Improvement Trust.

Printed forms of Tender can be obtained on application to the Secretary.

By order of the Board,
W. N. SHILSTONE,
Secretary.

OFFICE OF THE IMPROVEMENT TRUST,
ALBERT BUILDINGS, HORNBY ROAD,
Bombay, 29th August 1899.

BOMBAY IMPROVEMENT TRUST.

Debenture Loan, 1899.

FORM OF TENDER.

I

hereby tender for Rupees

of Bombay Improvement Trust Debentures, and agree to pay for the same, subject to the conditions advertised, at the rate of Rupees

Annas for every Hundred Rupees allotted to me.

I enclose Rupees

and engage, if my offer be accepted, to pay to the account of the Trustees at the Bank of Bombay the balance of the allotment on or before the 31st October 1899.

I require the amount in

Debentures of Rupees each.

(Signature)

(Address)

CITY OF BOMBAY IMPROVEMENT TRUST.

NOTIFICATION.

The Board of Trustees for the Improvement of the City of Bombay hereby notify that the time up to which tenders for the 50 Lakhs Guaranteed Debenture Loan, notified under date 7th August 1899, will be received, has been extended up to one o'clock (gun-fire) on Monday, 2nd October 1899.

The Loan will date from the 1st November 1899, and all allotments must be paid in full on or before 31st October 1899.

Interest will accrue from the date of the actual payment of the amount allotted.

By order of the Board,
W. N. SHILSTONE,
Secretary

OFFICE OF THE IMPROVEMENT TRUST,
ALBERT BUILDINGS, HORNBY ROAD,
Bombay, 29th August 1899.

PROMISSORY NOTES.

Destroyed.

The Government Promissory Note, No. 093988, of the 4½ per cent. loan of 1879, for ₹300, originally standing in the name of the Bank of Bengal, and last endorsed to Dorabjee Edaljee Hodiwalā, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of duplicates in favour of the proprietor after two years from the date of last advertisement.

DORABJEE EDALJEE HODIWALĀ,
Godhra (Panch Mahals).

Stolen.

The Government Promissory Notes Nos. 051468 and 051469, of the 3½ per cent. of 1842-43 aggregating ₹200, originally standing in the name of Shama Podo Srimany, and No. 007442, of the 3½ per cent. of 1879, of ₹500, originally

standing in the name of Kedar Nath Bhatta-charjee, and last endorsed to Kedar Nath Bhatta-charjee, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

Name of Advertiser—KEDAR NATH BHATTACHARJEE.

Residence—Bhowanipur, Rosa Road, Beni Madhav Addi's Shop, Calcutta.

Lost, Stolen, or Destroyed.

The Government Promissory Note No. 05722 of the 3½ per cent. loan of 1865 for ₹100, originally standing in the name of J. Carson, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

Name of Advertiser—J. CARSON.

Residence—No. 10, Prince of Wales' Road, Poona.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 9, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

CITY OF BOMBAY IMPROVEMENT TRUST.

ISSUE OF RS. FIFTY LAKHS FOUR PER CENT. GUARANTEED DEBENTURES
REPAYABLE IN SIXTY YEARS.

REVISED NOTIFICATION.

With the sanction of the Government of India and under the provisions of Sections 52-59 of the City of Bombay Improvement Act, 1898, the Board of Trustees for the Improvement of the City of Bombay hereby invite tenders for a loan of Rs. Fifty Lakhs, bearing interest at FOUR per cent., repayable in SIXTY years by a Sinking Fund to be invested (as required by Sections 55 and 56) half-yearly in public securities.

The interest and sinking fund charges as aforesaid will be a charge on the property and reveques of the Board, which include, in addition to the properties for the purchase of which the loan is chiefly required, the rents of certain vacant lands in the City of Bombay, valued in the Schedules of the said Act at Rs. 91,01,551 and an annual contribution from the Municipal Fund not exceeding 2 per cent. on the total rateable value of all buildings and lands in the City (exclusive of buildings exclusively occupied for public worship or for charitable purposes), which contribution is estimated for 1899-1900 at Rs. 4,5,000, besides other receipts reserved to the Board by the provisions of the Act which will be developed by the operations to be undertaken.

The interest on these debentures will constitute a charge on the revenue of the Board prior to the charge for interest payable to the Secretary of State for India in Council and to the Corporation on and from 1st April, 1909, in respect of the debt on account of the lands vesting in the Board. (Section 54.)

The payment of interest on these debentures and the setting aside and investment of the sinking fund required for their repayment are GUARANTEED by the provisions of the Statute (assented to by the Governor-General of India), whereby it is directed that in the event of any default being made by the Board in any payment of interest or in the event of the Board failing to set aside and invest any sum required to form the sinking fund, the ACCOUNTANT-GENERAL OF BOMBAY or other Officer for the time being performing the duties of the Office of the said Accountant-General shall make such payment or set aside and invest such sum as may be required to be invested. (Section 80.)

The Board reserve to themselves the right of refusing tenders if they consider the rates offered to be too low, but subject to this reservation, allotments will be made in full to the

highest Tenderers, and rateably to the Tenderers offering the lowest rate accepted by the Board.

These debentures will be issued for sums of Rs500 or multiples of Rs500, as may be required; they will be repayable to holder in Sixty years from 1st November 1899, and will bear interest at 4 per cent. per annum, payable half-yearly.

2 per cent. of the amount tendered to be deposited on application, and the balance on or before Tuesday, the 31st October, 1899; interest to accrue from date of actual payment.

The deposit of 2 per cent. will be returned if no allotment is made, and it will be forfeited if an allotment is not fully paid up on the 31st October.

Tenders will be received by the Secretary, Bombay Improvement Trust, up to one o'clock P.M. (gun-fire), on Monday, the 2nd October, 1899, and they will thereafter be opened in the presence of the Chairman of the Improvement Trust.

Printed forms of Tender can be obtained on application to the Secretary.

By order of the Board,

W. N. SHILSTONE,

Secretary.

OFFICE OF THE IMPROVEMENT TRUST,
ALBERT BUILDINGS, HORNBY ROAD,
Bombay, 29th August 1899.

BOMBAY IMPROVEMENT TRUST.

Debenture Loan, 1899.

FORM OF TENDER.

I _____
hereby tender for Rupees _____

of Bombay Improvement Trust Debentures, and agree to pay for the same, subject to the conditions advertised, at the rate of Rupees _____

Annas _____ for every Hundred Rupees allotted to me.

I enclose Rupees _____

and engage, if my offer be accepted, to pay to the account of the Trustees at the Bank of Bombay the balance of the allotment on or before the 31st October 1899.

I require the amount in _____

Debentures of Rupees _____ each.

(Signature) _____

(Address) _____

PROMISSORY NOTE.**Lost, Stolen, or Destroyed.**

The Government Promissory Note No. 05722 of the 3½ per cent. loan of 1865 for Rs100, originally standing in the name of J. Carson, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

• *Name of Advertiser*—J. CARSON.

Residence—No. 10, Prince of Wales' Road, Poona.

**IN THE COURT OF THE DISTRICT JUDGE
OF MEERUT.**

Present.

J. J. McLEAN, Esq., I.C.S., Judge.

In the matter of the winding up of the North-West Commercial Banking Corporation, Limited, Meerut, under the Indian Companies Act (Act VI of 1882).

Babu Hardeo Prasad Singh. . Applicant.

It is hereby notified that on the application of Babu Hardeo Prasad Singh, a creditor of the North-West Commercial Banking Corporation, Limited, Meerut, for the winding up by the Court of the aforesaid Company and appointment of an official Liquidator, it has been ordered by order of this Court, dated the 19th August, 1899, that the voluntary winding

up of the said Company under supervision of the Court be superseded, that the said Company be wound up by the Court, and that an official Liquidator be appointed; and that proposals by the creditors and contributories of the said Company as to the Liquidator to be appointed will be considered by the Court on the 9th (ninth) September, 1899, on which date all persons interested in the matter should appear.

Given under my hand and the seal of the Court this 26th day of August 1899.

J. J. McLEAN,

District Judge.

Notice.

In the matter of the Indian Companies Act, 1882,

and

In the matter of the Behar Machine Works Company, Limited.

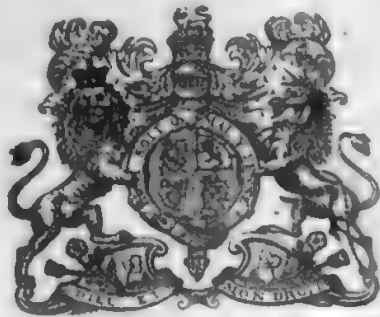
By an order made by the District Court of Patna in the above matter, dated the 19th day of August, 1899, on the petition of Marshall Sons and Company, Limited, creditors of the abovenamed Behar Machine Works Company, Limited, it was ordered that the said Behar Machine Works Company, Limited, be wound up by the said Court under the provisions of the Indian Companies Act, 1882.

Dated this 25th day of August, 1899.

L. WARLOW HARRY,

Attorney to the said Petitioners.

6, Old Post Office Street, Calcutta.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 16, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTE.

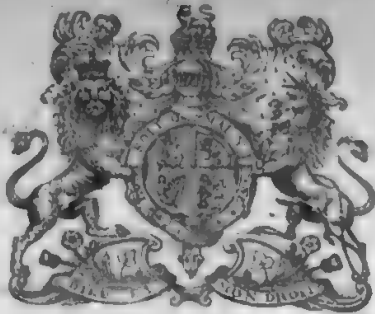
Lost, Stolen, or Destroyed.

The Government Promissory Note No. 05722 of the 3½ per cent. loan of 1865 for Rs100, originally standing in the name of J. Carson, the proprietor, by whom it was never endorsed

to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

Name of Advertiser—J. CARSON.

Residence—No. 10, Prince of Wales' Road, Poona.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 23, 1899.

Separate paging is given to this Part in order that it may be met as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

Abstract Statement of the Uncovenanted Service Family Pension Fund for the quarter ending 31st January, 1899, being the third quarter of the year 1898-99, compared with the corresponding quarter of the year 1897-98.

PARTICULARS.	For the quarter ending 31st January 1899.		For the quarter ending 31st January 1898.		Increase.		Decrease.	
	R	a. p.	R	a. p.	R	a. p.	R	a. p.
Balance at credit of the Fund on the Government books at the end of the previous quarter	1,38,63,437	1 6	1,35,81,645	11 4	2,81,791	6 2	.....
ADD RECEIPTS—								
Subscriptions from 1st November 1898 to 31st January 1899 in the Widows' Fund	1,36,395	8 3	1,35,667	3 8	728	4 7	.....
Subscriptions from 1st November 1898 to 31st January 1899 in the Children's Fund	78,975	15 6	79,829	1 3	.....		853	1 9
Fees and stamps	62	8 0	62	0 0	0	8 0	.....
Amount at credit of subscribers under Rule 55 transferred to divisible surplus	174	12 0	1,092	7 0	.....		917	11 0
Amount of fine imposed on subscriptions in arrear	303	5 0	185	1 9	118	3 3	.....
Amount of interest charged on subscriptions in arrear	4	7 8	4	13 4	.....		0	5 8
TOTAL RECEIPTS	2,15,916	8 5	2,16,840	11 0	846	15 10	1,771	2 5
GRAND TOTAL	1,40,79,353	9 11	1,37,98,486	6 4	A 2,82,638	6 0	1,771	2 5
DEDUCT DISBURSEMENTS—								
Pensions payable to incumbents in the Widows' Fund	1,29,545	10 4	1,17,529	3 0	12,016	7 4	.....
Pensions payable to incumbents in the Children's Fund	83,843	4 5	82,954	4 2	889	0 3	.....
Establishment, including house-rent and contingencies	9,835	12 9	11,895	2 11	.....		2,059	6 2
Loss by exchange on remittances out of India	13,646	15 10	13,443	11 5	203	4 5	.....
Commission paid on account of money-orders	585	3 0	605	10 6	.....		20	7 6
TOTAL DISBURSEMENTS	2,37,456	14 4	2,26,428	0 0	B 13,108	12 0	2,079	13 8
Balance in favour of the Fund	1,28,41,896	11 7	1,35,72,058	6 4	C 2,69,529	10 0	308	11 3
GRAND TOTAL	1,40,79,353	9 11	1,37,98,486	6 4	2,82,638	6 0	1,771	2 5
Proportion of divisible surplus payable to qualified members of more than five years' standing	1,28,466	0 0	1,21,399	5 0	7,066	11 0	.....
	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.
Number of subscribers	1,468	940	1,480	947	...	...	13	7
Ditto of incumbents	602	823	581	810	21	7	...	...
Ditto of subscribers sharing abatement	1,230	780	1,250	801	...	...	20	21

A.—Net increase in grand total of receipts R a. p.
B.—Net increase in total disbursements 2,80,867 3 7
C.—Net increase in balance 11,028 14 4
2,69,838 5 3

LOVELOCK AND LEWES, Chartered Accountants, } Auditors.
S. GEORGE, Professional Accountant, }

F. W. DEMONTE,
Accountant.

Calcutta, the 18th August 1899.

Published by order of the Directors,
H. W. STEVENS,
Secretary, U.-S. F. F. Fund.

**UNCOVENANTED SERVICE FAMILY
PENSION FUND.****NOTICE.**

Result of votes on the questions submitted in
Circulars Nos. 3 and 4, dated 22nd May,
1899 :—

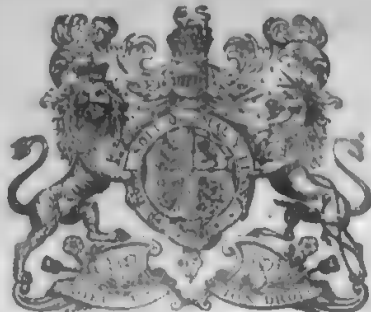
Subject.	Votes.	No.
Whether Mr. C. E. Dissent be appointed a permanent Director under the provisions of Rule 5, as recommended in Circular No. 3.	963	52
Whether Mrs. J. Donaldson be readmitted to the pension of Rs 50 a month for reasons stated and as recommended in Circular No. 4.	968	47

By order of the Directors,

H. W. STEVENS,

Secretary.

U. S. F. P. FUND OFFICE,
The 4th September, 1899.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 30, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost.

The Government Promissory Note No. 043093 of the $3\frac{1}{4}$ per cent. of 1865 for Rs500 originally standing in the name of Kedar Nath Mukerjee, and last endorsed to Kiranbala Devi, the proprietress by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of Duplicates in favour of the proprietress.

Name of Advertiser—PASHUPATI MUKERJEE,
Residence—Bagati, Magra P. O.; Hughly.

Stolen.

The Government Promissory Notes Nos. 002644 and 002694 of the $3\frac{1}{4}$ per cent. of 1869 for Rs500 each, Nos. 015359 to 015361 of the $3\frac{1}{4}$ per cent. of 1842-43 for Rs600 each, Nos. 015362 to 015373 of the $3\frac{1}{4}$ per cent. of 1842-43 for Rs500 each, and Nos. 003796 and 031438 of the $3\frac{1}{4}$ per cent. of 1842-43 for Rs500 each, standing in the name of Kamal-

kamini Dassey, the proprietress, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietress.

CHUNI LAL MAJUMDAR.

No. 2, G. P. Bose's Lane, Bhawanipur.

CITY OF BOMBAY IMPROVEMENT TRUST.

NOTIFICATION.

All notices referring to the Loan of Rs50 Lakhs, tenders for which were invited under dates 7th, 29th, and 29th (revised) August, 1899, are hereby withdrawn.

By order of the Board,

W. N. SHILSTONE,

Secretary.

OFFICE OF THE IMPROVEMENT TRUST,
ALBERT BUILDINGS, HORNEY ROAD,
Bombay, 25th September, 1899.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 7, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost.

The Government Promissory Note No. 043093 of the $3\frac{1}{4}$ per cent. of 1865 for Rs500 originally standing in the name of Kedar Nath Mukerjee, and last endorsed to Kiranbala Devi, the proprietress by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of Duplicates in favour of the proprietress.

Name of Advertiser—PASHUPATI MUKERJEE,
Residence—Bagati, Magra P. O., Hughly.

Stolen.

The Government Promissory Notes Nos. 002644 and 002694 of the $3\frac{1}{4}$ per cent. of 1879 for Rs500 each, Nos. 015359 to 015361 of the $3\frac{1}{4}$ per cent. of 1842-43 for Rs600 each, Nos. 015362 to 015373 of the $3\frac{1}{4}$ per cent. of 1842-43 for Rs500 each, and Nos. 003796 and 031438 of the $3\frac{1}{4}$ per cent. of 1842-43 for Rs500 each, standing in the name of Kamal-kamini Dassey, the proprietress, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietress.

CHUNI LAL MAJUMDAR.

No. 2, G. P. Bose's Lane, Bhawanipur.

Lost.

The Government Promissory Notes Nos. 016068 and 016069 of the $3\frac{1}{4}$ per cent. of Rs500

each, originally standing in the name of Ram Comal Mookerjee, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor Ram Comal Mookerjee.

Advertiser—RAM COMAL MOOKERJEE,
Residence—Halisahar, Baidyapara,
District 24-Perganahs.

NOTICE.

THE COMMERCIAL BANK OF INDIA, LIMITED.

Notice is hereby given that an Extraordinary General Meeting of the above Company will be held at the Registered Office of the Bank in Thumbu Chetty Street, Madras, on Wednesday, the 15th November, 1899, at 5 P.M., when special Resolutions will be proposed with the following objects:—

- (1) The transfer of the Registered Office of the Bank from Madras to Calcutta.
- (2) The appointment of a Board of Directors in Calcutta in the place of those now holding office in Madras, thus transferring the Head Administrative Office to Calcutta and keeping open the Madras Office as a Branch establishment.

Notice is also hereby given that a further Extraordinary General Meeting of the Company will be held on Friday, the 1st December, 1899, at the same place, at 5 P.M., for the purpose of confirming the two above special Resolutions.

Dated at Madras, this 22nd day of September, 1899.

By order of the Board,

REG. MURRAY,
Chief Manager.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 14, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost.

The Government Promissory Note No. 043093 of the $3\frac{1}{4}$ per cent. of 1865 for Rs500 originally standing in the name of Kedar Nath Mukerjee, and last endorsed to Kiranbala Devi, the proprietress by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of Duplicates in favour of the proprietress.

Name of Advertiser—PASHUPATI MUKERJEE,
Residence—Bagati, Magra P. O.; Hughly.

Stolen.

The Government Promissory Notes Nos. 002644 and 002694 of the $3\frac{1}{4}$ per cent. of 1879 for Rs500 each, Nos. 015359 to 015361 of the $3\frac{1}{4}$ per cent. of 1842-43 for Rs600 each, Nos. 015362 to 015373 of the $3\frac{1}{4}$ per cent. of 1842-43 for Rs500 each, and Nos. 003796 and 031438 of the $3\frac{1}{4}$ per cent. of 1842-43 for

Rs500 each, standing in the name of Kamal-lamini Dassey, the proprietress, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietress.

CHUNI LAL MAJUMDAR.

No. 2, G. P. Bose's Lane, Bhawanipur.

Lost.

The Government Promissory Notes Nos. 016068 and 016069 of the $3\frac{1}{4}$ per cent. of Rs500 each, originally standing in the name of Ram Comal Mookerjee, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor Ram Comal Mookerjee.

Advertiser—RAM COMAL MOOKERJEE,

Residence—Halisahar, Baidyapara,
District 24-Perganahs.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 21, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost.

The Government Promissory Notes Nos. 016068 and 016069 of the 3½ per cent. of Rs500 each, originally standing in the name of Ram Comal Mookerjee, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon has been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor Ram Comal Mookerjee.

Advertiser—RAM COMAL MOOKERJEE,
Residence—Halisahar, Baidyapara,
District 24-Parganahs.

NOTICE.

Government Promissory Note No. 007085, for Rs10,000 (Rupees Ten Thousand) standing in the name of Srimatee Hari Dasi Devi (who died on the 3rd December last, at her residence Nos. 27 and 28, South Road, Entally, Calcutta) is missing. Rishikesh Mukerjee, a minor, the adopted son of the late Janoky Nath Mukerjee of Boinchee, District Hooghly, now living under the guardianship of his mother Srimatee Saratmoni Devi, has been declared by the Court of the Second Subordinate Judge of the

District 24-Parganahs to be the owner of the said paper. The Bank of Bengal and the Public Debt Office, Calcutta, have been informed of this and payment has been stopped.

SURENDRA NATH ROY,
Vakil, High Court.

CALCUTTA.

The 15th Oct. 1899.

NOTICE.

Notice is hereby given that the partnership which was prior and up to the 30th day of April, 1899, carried on by Peter Mackinnon, Duncan Mackinnon, Neil Macmichael, William Peddie Alexander, Sir James Lyle Mackay, K.C.I.E., William Currie, Montagu Cornish Turner, Daniel Mackinnon Hamilton and Rivers Grenfell Currie under the firm of Mackinnon Mackenzie and Company in the business of Merchants and Agents at Calcutta and at Bombay has been dissolved, so far as concerns the said Neil Macmichael as on and from the said 30th day of April, 1899, by the retirement of the said Neil Macmichael from the said firm.

Dated the 4th day of October, 1899.

ORR ROBERTSON & BURTON,
Solicitors for all the parties abovenamed.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 28; 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

NOTICE.

Government Promissory Note No. 007085, for Rs10,000 (Rupees Ten Thousand) standing in the name of Srimatee Hari Dasi Devi (who died on the 3rd December last, at her residence Nos. 27 and 28, South Road, Entally, Calcutta) is missing. Rishikesh Mukerjee, a minor, the adopted son of the late Janoky Nath Mukerjee of Boinehee, District Hooghly, now living under the guardianship of his mother Srimatee Saratmoni Devi, has been declared by the Court of the Second Subordinate Judge of the District 24 Parganahs to be the owner of the said paper. The Bank of Bengal and the Public Debt Office, Calcutta, have been informed of this and payment has been stopped.

SURENDRA NATH ROY,
Vakil, High Court.

CALCUTTA,
The 15th Oct. 1899.

NOTICE.

The partnership lately subsisting between us, the undersigned, in the business of Jute and Gunny Bag Brokers, and carried on under the style or firm of Massey and Ives has, on and from the tenth day of October, 1899, been dissolved by mutual consent, and all outstandings and moneys due to the said firm must be paid to the said Montague Massey.

MONTAGUE MASSEY.
E. L. IVES.

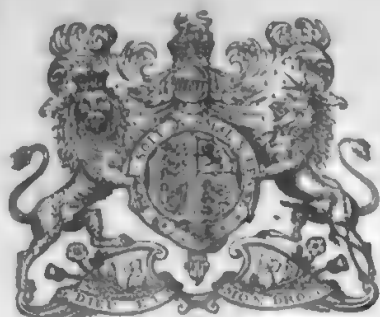
The 17th October, 1899.

NOTICE.

The business hitherto carried on under the name of Massey and Ives having been dissolved, I, the undersigned Montague Massey, will continue the aforesaid business under the name of Massey & Co.

MONTAGUE MASSEY.

The 17th October, 1899.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 4, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

NOTICE.

Government Promissory Note No. 007085, for Rs 10,000 (Rupees Ten Thousand) standing in the name of Srimatee Hari Dasi Devi (who died on the 3rd December last, at her residence Nos. 27 and 28, South Road, Entally, Calcutta) is missing. Rishikesh Mukerjee, a minor, the adopted son of the late Janoky Nath Mukerjee of Boinechee, District Hooghly, now living under the guardianship of his mother Srimatee Saratmoni Devi, has been declared by the Court of the Second Subordinate Judge of the District 24 Parganahs to be the owner of the said paper. The Bank of Bengal and the Public Debt Office, Calcutta, have been informed of this and payment has been stopped.

SURENDRA NATH ROY,
Vakil, High Court.

CALCUTTA,
The 15th Oct. 1899.

Lost or Destroyed.

The Government Promissory Note No. 011251, of the 4 per cent. loan of 1854-55, for Rs 1,000, originally standing, in the Books of the Public Debt Office, in the name of Bidya Soonderee Dasse, by whom it was never endorsed to any other person, having been lost or destroyed, notice is hereby given that payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application will be made in due course, by her legal representatives, for the issue of a duplicate of the said Government Promissory Note.

Names of advertisers.—

LAL BIHARI BASAK,
*27, Fucker Chund Chuckerbutty's Lane,
Calcutta.*

RAMKISSEN BYSACK,
56½, Ahsereetolah Street, Calcutta.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 11, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost or Destroyed.

The Government Promissory Note No. 011251, of the 4 per cent. loan of 1854-55, for Rs. 1,000, originally standing in the Books of the Public Debt Office, in the name of Bidya Soonderee Dasse, by whom it was never endorsed to any other person, having been lost or destroyed, notice is hereby given that payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application will be made in due course, by her legal representatives, for the issue of a duplicate of the said Government Promissory Note.

Names of advertisers.—

LAL BIHARI BASAK,
27, Fukeer Chund Chuckerbutty's Lane,
Calcutta.

RAMKISSEN BYSACK,
56 1/2, Aheeratalah Street, Calcutta.

NOTICE.

THE COMMERCIAL BANK OF INDIA, LIMITED.

Notice is hereby given that an Extraordinary General Meeting of the above Company will be held at the Registered Office of the Bank in

Thumbu Chetty Street, Madras, on Wednesday, the 15th November, 1899, at 5 P.M., when special Resolutions will be proposed with the following objects:—

- (1) The transfer of the Registered Office of the Bank from Madras to Calcutta.
- (2) The appointment of a Board of Directors in Calcutta in the place of those now holding office in Madras, thus transferring the Head Administrative Office to Calcutta and keeping open the Madras Office as a Branch establishment.

Notice is also hereby given that a further Extraordinary General Meeting of the Company will be held on Friday, the 1st December, 1899, at the same place, at 5 P.M., for the purpose of confirming the two above special Resolutions.

Dated at Madras, this 22nd day of September, 1899.

By order of the Board,
REG. MURRAY,
Chief Manager.

PARTNERSHIP.

The interest, risk and responsibility of Baboo Mohindro Nauth Dutt as a partner in our firm ceased from the 30th September, 1898, and we have admitted Baboos Behary Lall Dutt, Johur Lall Dutt, and Kali Churn Dutt as partners since 1st October, 1898.

SHIB CHURN DUTT & Co.
1, Hastings Street.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 18, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PARTNERSHIP.

The interest, risk and responsibility of Baboo Mohindro Nauth Dutt as a partner in our firm ceased from the 30th September, 1898, and we have admitted Baboos Behary Lall Dutt, Johur Lall Dutt, and Kali Churn Dutt as partners since 1st October, 1898.

SHIB CHURN DUTT & CO.

1, Hastings Street.

PROMISSORY NOTES.

Lost or Destroyed.

The Government Promissory Note No 01125., of the 4 per cent. loan of 1854-55, for

Rs. 1,000, originally standing, in the Books of the Public Debt Office, in the name of Bidya Soonderree Dassee, by whom it was never endorsed to any other person, having been lost or destroyed, notice is hereby given that payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, Calcutta, and that application will be made in due course, by her legal representatives, for the issue of a duplicate of the said Government Promissory Note.

Names of advertisers.—

LAL BIHARI BASAK,
27, Fucker Chund Chuckerbutty's Lane,
Calcutta.

RAMKISSEN BYSACK,
56/2, Aheerestolah Street, Calcutta.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 25, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PARTNERSHIP.

The interest, risk and responsibility of Baboo Mohindro Nauth Dutt as a partner in our firm ceased from the 30th September, 1898, and we have admitted Baboos Behary Lall Dutt, Johur Lall Dutt, and Kali Churn Dutt as partners since 1st October, 1898.

SHIB CHURN DUTT & Co.

1, Hastings Street.

Stolen.

The Government Promissory Notes No. 020553, 3½ per cent., 1842-43, ₹1,000, originally standing in the name of Woopendra Nath Mukerjee, No. 002608, 3½ per cent., 1865, ₹500, No. 002603, 3½ per cent., 1865, ₹500, and No. 008077, 3½ per cent., 1879, ₹1,000, originally standing in the name of the Bank of Bengal. These notes were last endorsed to Sreematee Nalin Kumari Debi, the proprietrix, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application

is to be made for accrued interest, and for the issue of duplicates in favour of the proprietrix after two years from the date of last advertisement.

WOOPENDRA NATH MUKERJEE,

Waltair.

A

Notice is hereby given that the Partnership heretofore subsisting between us, the undersigned Edward Whiteaway and Robert Laidlaw, carrying on business as Silk Mercers, Drapers and General Merchants at Calcutta, Bombay, Simla, Mussoori, Darjeeling, Rangoon and elsewhere in India and Burma under the style or firm of Whiteaway, Laidlaw & Co., has been dissolved by mutual consent as from the thirtieth day of April one thousand eight hundred and ninety-eight. All debts due to and owing by the said late firm will be received and paid by the said Robert Laidlaw by whom the said businesses will in future be carried on under the same style or firm of Whiteaway, Laidlaw & Co.

Dated this fourteenth day of October, 1899.

E. WHITEAWAY,

R. LAIDLAW.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 2, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Stolen.

The Government Promissory Notes No. 020553, $3\frac{1}{2}$ per cent., 1842-43, Rs. 1,000, originally standing in the name of Woopendra Nath Mukerjee, No. 002608, $3\frac{1}{2}$ per cent., 1865, Rs. 500, No. 002603, $3\frac{1}{2}$ per cent., 1865, Rs. 500, and No. 008077, $3\frac{1}{2}$ per cent., 1879, Rs. 1,000, originally standing in the name of the Bank of Bengal. These notes were last endorsed to Sreematee Nalin Kumari Debi, the proprietrix, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of duplicates in favour of the proprietrix after two years from the date of last advertisement.

WOOPENDRA NATH MUKERJEE,
Waltair.

The Commercial Bank of India, Limited.

Notice is hereby given that an Extraordinary General Meeting of Shareholders of the Commercial Bank of India, Limited, will be held at

its Registered Offices Nos. 8 and 9, Thambu Chetty Street, Madras, at 5 P.M. on Friday, the 1st December, 1899, to confirm the following resolutions passed at the Extraordinary General Meeting at the same place on 15th November, 1899:—

- (1) That the Registered Office of the Commercial Bank of India, Limited, be transferred from Madras to Calcutta.
- (2) That a Board of Directors be appointed in Calcutta in the place of those now holding office in Madras, thus transferring the Head Administrative Office to Calcutta and keeping open the Madras Office as a branch establishment.

By order,

REG. MURRAY,
Chief Manager.

MADRAS,
The 16th November, 1899.

Notice.

We have to-day authorised Mr. William Edward Griffith Colpoys Dickson to sign our firm *per procuration*.

JARDINE SKINNER & CO.

Calcutta, 24th November, 1899.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 9, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART. III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Stolen.

The Government Promissory Notes No. 020553, 3½ per cent., 1842-43, Rs. 1,000, originally standing in the name of Woopendra Nath Mukerjee, No. 002608, 3½ per cent., 1865, Rs. 500, No. 002603, 3½ per cent., 1865, Rs. 500, and No. 008077, 3½ per cent., 1879, Rs. 1,000, originally standing in the name of the Bank of Bengal. These notes were last endorsed to Sreematee Nalin Kumari Debi, the proprietrix, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of duplicates in favour of the proprietrix after two years from the date of last advertisement.

WOOPENDRA NATH MUKERJEE,
Waltair.

Lost.

The Government Promissory Notes Nos. 073016 and 044605, of the 3½ per cent. of 1865 and 1854-55 for Rs. 500 each, originally standing in the name of Rama Proshad Bhattacharje, and last endorsed to none, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

Name of the Advertiser—RAMA PROSHAD
BHATTACHARJE.

Residence—Berhampore, District—Moorshidabad.

Notice to Creditors.

In pursuance of section 42, Act XXVIII of 1866, notice is hereby given that all persons having claims against the Estate of Alexander Smith, late of 192, Bedford Hill, Balham, in England, who died on the 5th day of September, 1899, should send in their claims to the undersigned on or before the 28th day of February, 1900, after which date no claims will be admitted and the assets of the Estate will be distributed.

SANDERSON & Co.,

Solicitor for the Administrator.

1, ESPLANADE, WEST, CALCUTTA,

The 30th November, 1899.

Notice to Creditors.

In pursuance of section 42, Act XXVIII of 1866, notice is hereby given that all persons having claims against the Estate of Thomas Richard Olphert, late of No. 8, Moira Street in Calcutta, who died at Simla on the 21st day of October, 1899, should send in their claims to the undersigned on or before the 28th day of February, 1900, after which date no claims will be admitted and the assets of the Estate will be distributed.

J. W. HADWEN.

23, STRAND ROAD, CALCUTTA,

The 30th November, 1899.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 16, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost.

The Government Promissory Notes Nos. 073016 and 044605, of the 3½ per cent. of 1865 and 1854-55 for Rs. 500 each, originally standing in the name of Rama Proshad Bhuttacharje, and last endorsed to none, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

Name of the Advertiser—RAMA PROSHAD BHUTTACHARJE.

Residence—Berhampore, District—Moorshidabad.

Partially destroyed.

The Government Promissory Notes Nos. 031912 and 051911 of the 3½ per cent. Loan of 1865 for Rs. 500 each were originally standing in the name of Babu Bhuban Chandra Banerjea and last endorsed to Bholanath Kur, represented by his mother Pria Sakhi Dassi, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of duplicates, in favour of the proprietor after six months from the date of last advertisement.

Name of Proprietor—BHOLANATH KUR,
represented by his mother
PRIA SAKHI DASSI.

Residence—Amonpore Post Office, Brahmanbhoom,
care of Babu Rukhal Chandra Pal,
Mirbasar, Town Midnapur.

Notice to Creditors.

In pursuance of section 42, Act XXVIII of 1866, notice is hereby given that all persons having claims against the Estate of Alexander Smith, late of 192, Bedford Hill, Balham, in England, who died on the 5th day of September, 1899, should send in their claims to the undersigned on or before the 28th day of February, 1900, after which date no claims will be admitted and the assets of the Estate will be distributed.

SANDERSON & Co.,

Solicitor for the Administrator.

1, ESPLANADE, WEST, CALCUTTA.

The 30th November, 1899.

Notice to Creditors.

In pursuance of section 42, Act XXVIII of 1866, notice is hereby given that all persons having claims against the Estate of Thomas Richard Olphert, late of No. 8, Moira Street in Calcutta, who died at Simla on the 21st day of October, 1899, should send in their claims to the undersigned on or before the 28th day of February, 1900, after which date no claims will be admitted and the assets of the Estate will be distributed.

J. W. HADWEN.

23, STRAND ROAD, CALCUTTA.

The 30th November, 1899.

Notice.

THE COMMERCIAL BANK OF INDIA, LIMITED.

Notice is hereby given that at an Extraordinary General Meeting of the above Company held at the Registered Office of the Bank in Thumbu Chetty Street, Madras, on Friday, the 1st December, 1899, at 5 P.M., the following Special Resolutions passed at the Extraordinary General Meeting held at the same place on the 15th November, 1899, were unanimously confirmed.—

1. That the Registered Office of the Commercial Bank of India, Ltd., be transferred from Madras to Calcutta.

2. That a Board of Directors be appointed in Calcutta in the place of those now holding Office in Madras, thus transferring the Head Administrative Office to Calcutta and keeping open the Madras Office as a Branch establishment.

Dated at Madras, this 2nd day of Dec., 1899.

(By order of the Board),

REG. MURRAY,
Chief Manager.

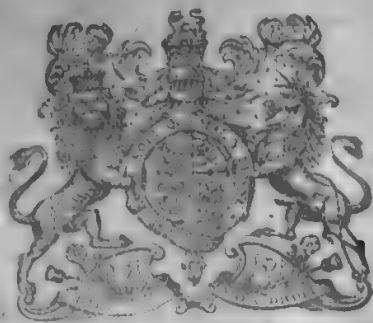
UNCOVENANTED SERVICE FAMILY PENSION FUND.

Result of votes on the questions submitted in Circulars Nos. 5 and 6, dated 4th September 1899.

SUBJECT.	Yes.	No.	Neutral.
Whether the revision of office establishment, as proposed in circular No. 5, may be sanctioned	860	138	17
Whether Miss Maud Stella Beveridge shall be admitted to the reduced pension of Rs. 16-2 per mensem, under Rule 40F as recommended in Circular No. 6 .	1,002	10	3

By order of the Directors,
H. W. STEVENS, *Secretary.*

UNCOVENANTED SERVICE FAMILY
PENSION FUND OFFICE.
The 4th December 1899.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 23, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost.

The Government Promissory Notes Nos. 073016 and 044605, of the 3½ per cent. of 1865 and 1854-55 for Rs. 500 each, originally standing in the name of Rama Proshad Bhuttacharje, and last endorsed to none, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

Name of the Advertiser—RAMA PROSHAD BHUTTACHARJE.

Residence—Berhampore, District—Moorshidabad.

Partially destroyed.

The Government Promissory Notes Nos. 051912 and 051911, of the 3½ per cent. Loan of 1865 for Rs. 500 each, were originally standing in the name of Babu Bhuban Chandra Banerjee and last endorsed to Bholanath Kur, represented by his mother Pria Sakhi Dassi, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of duplicates, in favour of the proprietor after six months from the date of last advertisement.

Name of Proprietor—BHOLANATH KUR,

represented by his mother

PRIA SAKHI DASSI.

Residence—Amenpore Post Office, Brahmanbhoom, care of Babu Rokhal Chandra Pal, Mirbasar, Town Midnapur.

Notice to Creditors.

In pursuance of section 42, Act XXVIII of 1866, notice is hereby given that all persons having claims against the Estate of Alexander Smith, late of 192, Bedford Hill, Balham, in England, who died on the 5th day of September, 1899, should send in their claims to the undersigned on or before the 28th day of February, 1900, after which date no claims will be admitted and the assets of the Estate will be distributed.

SANDERSON & Co.,

Solicitor for the Administrator.

1, ESPLANADE, WEST, CALCUTTA,

The 30th November, 1899.

Notice to Creditors.

In pursuance of section 42, Act XXVIII of 1866, notice is hereby given that all persons having claims against the Estate of Thomas Richard Olphert, late of No. 8, Moira Street in Calcutta, who died at Simla on the 21st day of October, 1899, should send in their claims to the undersigned on or before the 28th day of February, 1900, after which date no claims will be admitted and the assets of the Estate will be distributed.

J. W. HADWEN.

23, STRAND ROAD, CALCUTTA,

The 30th November, 1899.

Notice to Creditors.

In pursuance of section 42, Act XXVIII of 1866, notice is hereby given that all persons having claims against the estate of John Bennett, late of the Island of Jersey, a Surgeon-Major in the Bengal Medical Service, who died on the 28th day of June, 1899, should send in their claims to the undersigned on or before the 14th day of March, 1900, after which date

no claims will be admitted and the assets of the estate will be distributed.

E. H. COWIE,

Administrator of the estate of the late John Bennett,

Care of

MESSRS. SANDERSON & Co.

CALCUTTA,

The 14th December 1899.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 30, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Partially destroyed.

The Government Promissory Notes Nos. 051912 and 051911, of the 3½ per cent. Loan of 1865 for Rs 500 each, were originally standing in the name of Babu Bhuban Chandra Banerjea and last endorsed to Bholanath Kur, represented by his mother Pria Sakhi Dasai, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for accrued interest, and for the issue of duplicates, in favour of the proprietor after six months from the date of last advertisement.

Name of Proprietor—**BHOLANATH KUR,**
represented by his mother
PRIA SAKHI DASSI,

Residence—Amanpore Post Office, Brahmanbhoem,
care of Babu Rakhal Chandra Pal,
Mirbasar, Town Midnapur.

Notice to Creditors.

In pursuance of section 42, Act XXVIII of 1866, notice is hereby given that all persons having claims against the estate of John Bennett, late of the Island of Jersey, a Surgeon-Major in the Bengal Medical Service, who died on the 28th day of June, 1899, should send in their claims to the undersigned on or before the 14th day of March, 1900, after which date no claims will be admitted and the assets of the estate will be distributed.

E. H. COWIE,

Administrator of the estate of the late John Bennett,

Care of

MESSRS. SANDERSON & CO.

CALCUTTA,

The 14th December 1899.



The Gazette of India.

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SIMLA, SATURDAY, JULY 15, 1899.

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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th July, 1899, and is hereby promulgated for general information :

ACT NO. XV OF 1899.

An Act to validate certain marriages solemnized in the Native States of Pudukkottai and Travancore in India.

WHEREAS the Reverend Carl Manthey-Zorn, an ordained Minister of the Leipzig Evangelical Lutheran Mission, was, in or about the month of April, 1872, licensed by the Governor of Fort Saint George in Council, under the provisions of sections 8 and 47 of the Indian Marriage Act, 1865, to solemnize marriages and to grant certificates of marriage between Native Christians within the territories subject to the said Governor in Council, and the said Carl Manthey-Zorn did, in the years 1874 and 1875, solemnize certain marriages and grant certain certificates of marriage between Native Christians in Pudukkottai, which is a Native State beyond the said territories ;

And whereas the late Reverend Ludvig Traugott Paesler, of the Leipzig Evangelical Lutheran Mission, was, in the month of August, 1876, licensed by the said Governor in Council, under the provisions of sections 6 and 9 of the Indian Christian Marriage Act, 1872, to solemnize marriages and to grant certificates of marriage between Native Christians "within the territories subject to the Government of Madras", and the said Ludvig Traugott Paesler did, both before and after he was licensed as

aforesaid, solemnize certain marriages and grant certain certificates of marriage between Native Christians in the said Native State of Pudukkottai ;

And whereas Catechist Visuvasam Solomon, of the London Missionary Society, Nagercoil, Travancore, was, in the month of June, 1877, licensed by the said Governor in Council, under the provisions of section 9 of the Indian Christian Marriage Act, 1872, to grant certificates of marriage between Native Christians "within the territories subject to the Government of Madras", and the said Visuvasam Solomon did, in the years 1877 to 1894, grant certain certificates in respect of marriages between Native Christians in Travancore, which is a Native State beyond the said territories ;

And whereas the Reverend Friedrich Karl Alwin Gehring, of the Leipzig Evangelical Lutheran Mission, Kambakonam, Tanjore District, was, in the month of May, 1879, licensed by the said Governor in Council, under the provisions of section 9 of the Indian Christian Marriage Act, 1872, to grant certificates of marriage between Native Christians, and the said Friedrich Karl Alwin Gehring did, in the years 1884 and 1885, grant certain certificates in respect of marriages between Native Christians in the said Native State of Pudukkottai ;

And whereas the Reverend Ernst Leberecht Dachselt was, in the month of November, 1886, licensed by the said Governor in Council, under the provisions of section 9 of the Indian Christian Marriage Act, 1872, to grant certificates of marriage between Native Christians, and the said Ernst Leberecht Dachselt did, both before and after he was licensed as aforesaid, grant certain certificates of marriage between Native Christians in the said Native State of Pudukkottai ;

And whereas the Reverend Karl Traugott Rueger, a Missionary of the Leipzig Evangelical Lutheran Mission, Madras, was, in the month of

XV of 1872.

March, 1888, licensed by the said Governor in Council, under the provisions of section 9 of the Indian Christian Marriage Act, 1872, to grant certificates of marriage between Native Christians, and the said Karl Traugott Rueger did, in the year 1895, grant a certificate in respect of a marriage between Native Christians in the said Native State of Pudukkottai;

XV of 1872.

And whereas the Reverend Theodor Meyner, a Missionary of the Leipzig Evangelical Lutheran Mission, Trichinopoly, was, in the month of March, 1888, licensed by the said Governor in Council, under the provisions of section 9 of the Indian Christian Marriage Act, 1872, to grant certificates of marriage between Native Christians, and the said Theodor Meyner did, in the years 1889 to 1891, grant certain certificates in respect of marriages between Native Christians in the said Native State of Pudukkottai;

And whereas there is no reason to doubt that the said Carl Manthey-Zorn, Ludvig Traugott Paesler, Visuvasam Solomon, Friedrich Karl Alwin Gehring, Ernst Leberecht Dachzelt, Karl Traugott Rueger and Theodor Meyner acted as aforesaid in good faith in the belief that they were authorized to solemnize marriages or to grant certificates of marriage between Native Christians, as the case may be, in the Native State of Pudukkottai or Travancore, as the case may be;

And whereas there is no reason to doubt that the parties to the said marriages all in good faith believed that their marriages were being duly solemnized or certified, as the case may be, and that their marriages were valid in law;

And whereas it is doubtful whether the said marriages, or any of them, were duly solemnized or certified, as the case may be, so as to be valid in law, and it is expedient that they should be validated;

It is hereby enacted as follows:

1. (1) This Act may be called the Marriages
Short title, com- Validation (Pudukkottai
mencement and extent. and Travancore) Act, 1899;
and

(2) It shall come into force at once.

(3) It extends to all persons and places for whom and for which the Governor General in Council has power to make laws.

2. In this Act all expressions used shall have the same meaning as in the
Construction. Indian Christian Marriage

Act, 1872.

XV of 1872.

3. All marriages which have been solemnized, Validation of certain or in respect of which irregular marriages. certificates have been granted, in the Native State of Pudukkottai or Travancore, as the case may be, by the said Carl Manthey-Zorn, or the said Ludvig Traugott Paesler, or the said Visuvasam Solomon, or the said Friedrich Karl Alwin Gehring, or the said Ernst Leberecht Dachzelt, or the said Karl Traugott Rueger, or the said Theodor Meyner, shall be, and shall be deemed to have been on and with effect from the date of the solemnization of each respectively, or the date of the certificate granted in respect of each respectively, as good and valid in law as if they had been solemnized, or the certificates in respect of them had been granted, by persons duly authorized under section 6 or section 9, as the case may be, of the Indian Christian Marriage Act, 1872, to solemnize marriage or grant certificates of marriage between Native Christians in the Native State of Pudukkottai or Travancore, as the case may be.

XV of 1872.

4. Certificates of marriages which are declared by section 3 to be good and valid in law, and register-books and certified copies of true and, duly au-

thenticated extracts therefrom deposited in compliance with the provisions of the Indian Christian Marriage Act, 1872, in so far as the register-books and extracts relate to such marriages as aforesaid, shall be received as evidence of such marriages as if such marriages had been duly solemnized under Part I or Part VI, as the case may be, of the said Act.

XV of 1872.

5. Act XVII of 1895 (an Act to validate certain marriages solemnized in the Civil and Military Station of Bangalore) may, without prejudice to any other mode of citation, be cited for all purposes as the Marriages' Validation (Bangalore) Act, 1895.

J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th July, 1899, and is hereby promulgated for general information:

ACT NO. XVI OF 1899.

An Act further to amend the Northern India Canal and Drainage Act, 1873.

WHEREAS it is expedient further to amend the Northern India Canal and Drainage Act, 1873; It is hereby enacted as follows:

1. (2) This Act may be called the Northern India Canal and Drainage (Amendment) Act, 1899; and

(2) It shall come into force at once.

2. To section 36 of the Northern India Canal and Drainage Act, 1873, VIII of 1873, the following paragraph shall be added, namely:

"The rules hereinbefore referred to may prescribe and determine what persons or classes of persons are to be deemed to be occupiers for the purposes of this section, and may also determine the several liabilities, in respect of the payment of the occupier's rate, of tenants and of persons to whom tenants may have sublet their lands, or of proprietors and of persons to whom proprietors may have let the lands held by them in cultivating occupancy."

3. In section 47 of the said Northern India Canal and Drainage Act, 1873, for the words "or VIII of 1873, tenants" the words "tenants or sub-tenants" shall be substituted.

J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th July, 1899, and is hereby promulgated for general information :

ACT NO. XVII OF 1899.

An Act further to amend the Indian Registration Act, 1877.

1877. WHEREAS it is expedient further to amend the Indian Registration Act, 1877; It is hereby enacted as follows :

1. (1) This Act may be called the Indian Short title and com- Registration (Amendment) mencement. Act, 1899; and

(2) It shall come into force at once.

2. Section 22 of the Indian Registration Act, 1877, is hereby repealed; III of 1877. Repeal of section 22, 1877, and substitution of new section. and the following section is substituted therefor, namely :

"22. (1) Where it is, in the opinion of the Local Government, practicable to describe houses, and land by reference to Government maps or surveys, not being houses in towns, and lands by reference to a Government map or survey, the Local Government may, by rule, require that such houses and lands as aforesaid shall, for the purposes of section 21, be so described.

"(2) Save as otherwise provided by any rule made under sub-section (1), failure to comply with the provisions of section 21, clause (b), shall not disentitle a document to be registered if the description of the property, to which it relates, is sufficient to identify that property."

J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th July, 1899, and is hereby promulgated for general information:

ACT NO. XVIII OF 1899.

An Act to amend the Land Improvement Loans Act, 1883.

WHEREAS it is expedient to amend the Land Improvement Loans Act, 1883; It is hereby enacted as follows:

1. (1) This Act may be called the Land Improvement Loans (Amendment) Act, 1899; and
Short title and commencement.

(2) It shall come into force at once.

2. In section 6, sub-section (1), of the Land Improvement Loans Act, 1883, for the words "from the date of the actual advance of the last instalment", the words "from the date of the advance of the last instalment actually paid" shall be substituted and shall be deemed to have been substituted with effect from the commencement of the said Act.
Amendment, with retrospective effect, of section 6, Act XIX, 1883.

J. M. MACPHERSON,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 29, 1899.

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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th July, 1899, and is hereby promulgated for general information :

ACT NO. XIX OF 1899.

An Act to provide for the conversion into British Indian currency of sums expressed in British currency in the Army Act.

44 & 45 Vict., c. 58. WHEREAS it is provided by section 169 of the Army Act that the Governor General in Council may declare the amount of the local currency which is to be deemed, for the purposes of the said Act, to be equivalent to any sum of British currency mentioned therein;

And whereas it is expedient, in exercise of the power so conferred, to provide for the conversion into British Indian currency of sums expressed in British currency in the said Act;

It is hereby enacted as follows :—

1. (1) This Act may be called the Currency Conversion (Army Annual) Act, 1899.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. For the purposes of the Army Act, fifteen rupees of British Indian currency shall be deemed to be the equivalent of one pound of British currency and any sum of British currency mentioned in the said Act shall be deemed to be the equivalent of a sum of British Indian currency calculated at that rate of exchange. 44 & 45 Vict., c. 58.

3. This Act shall continue in force until the thirty-first day of March, 1900.

J. M. MACPHERSON,

Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 2, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 1st September, 1899, and is hereby promulgated for general information:

ACT NO. XX OF 1899.

An Act further to amend the Presidency Banks Act, 1876.

WHEREAS it is expedient further to amend the Presidency Banks Act, 1876; It is hereby enacted as follows:

1. (1) This Act may be called the Presidency Banks Act, 1899; and
short title and com-
mencement.

(2) It shall come into force at once.

2. To section 36, clause (a), sub-clause (4), of the Presidency Banks Act, Further amendment of section 36, Act XI. 1876, as amended by sec. XI of 1876. tion 4 of the Presidency Banks Act, 1879, the following shall be added, V of 1879. namely:

"or the Trustees for the Improvement of the City of Bombay under the authority of the City of Bombay Improvement Act, 1898."

Bom. Act IV
of 1898.

J. M. MACPHERSON,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 9, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 8th September, 1899, and is hereby promulgated for general information:

ACT NO. XXI OF 1899.

An Act to amend the Central Provinces Tenancy Act, 1898.

WHEREAS it is expedient to amend the Central Provinces Tenancy Act, 1898; It is hereby enacted as follows:

1. (1) This Act may be called the Central Provinces Tenancy (Amendment) Act, 1899; and

(2) It shall come into force at once.

2. In section 45 of the Central Provinces Tenancy Act, 1898, for XI of 1898.

Substitution of new sub-section for sub-section (6), section 45, Act XI, 1898. Sub-section (6) the following sub-section shall be substituted and shall be deemed to have been substituted on and with effect from the commencement of the said Act, namely:

"(6) Nothing in this section shall affect a document duly registered before the commencement of this Act; and, on any surrender or transfer such as is described in sub-section (1) being made, decreed or ordered in pursuance of such a document, the rights of the parties to occupy the sir-land shall accrue as if this Act had not been passed."

J. M. MACPHERSON,

Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 16, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA. LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 15th September, 1899, and is hereby promulgated for general information :

ACT NO. XXII OF 1899.

An Act further to amend the Indian Coinage Act, 1870, and the Indian Paper Currency Act, 1882.

XXIII of 1870. of the Indian Coinage Act, 1870, and the Indian Paper Currency Act, 1882; It is hereby enacted as follows :

1. (1) This Act may be called the Indian Short title and com- Coinage and Paper Cur- mentment. rency Act, 1899; and
(2) It shall come into force at once.

XXIII of 1870. 2. For section 12 of the Indian Coinage Act, 1870, the following section shall be substituted, namely :
Substitution of new section for section 12, Act XXIII, 1870.

" 12. Gold coins, whether coined at Her Majesty's Royal Mint in England, or at any Mint established in pursuance of a Proclamation of Her Majesty as a branch of Her Majesty's Royal Mint, shall be a legal tender in payment or on account at the rate of fifteen rupees for one sovereign :

" Provided that such coins have not been called in by any Proclamation made in pursuance of the Coinage Act, 1870, or have not lost weight so as to be of less weight than that for the time being prescribed for like coins by or under the said Statute as the least current weight."

3. To section 11, clause (a), of the Indian Paper Currency Act, 1882, XX of 1882. Addition to section 11, clause (a), Act XX, 1882. the following words and figures shall be added, namely :

" or in gold coin which is legal tender under the Indian Coinage Act, 1870."

XXIII of 1870.

J. M. MACPHERSON,
Secretary to the Government of India.



The Gazette of India.

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SIMLA, SATURDAY, SEPTEMBER 30, 1899.

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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 27th September, 1899, and is hereby promulgated for general information:

ACT NO. XXIII OF 1899.

An Act to provide for the Incorporation of Kirk Sessions of the Church of Scotland in British India.

WHEREAS there are in British India Kirk Sessions of the Church of Scotland which have been duly constituted to be Church Courts for ecclesiastical purposes in pursuance of Acts of the General Assembly of the Church of Scotland;

And whereas it is expedient that such Kirk Sessions and any others, which may hereafter be so constituted, should be incorporated with the powers hereinafter provided;

It is hereby enacted as follows:

1. (1) This Act may be called the Church of Scotland Kirk Sessions Act, 1899;

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. (1) Every Kirk Session which has been, or may hereafter be, duly constituted to be a Church Court for ecclesiastical purposes in pursuance of an Act of the General Assembly of the Church of Scotland, is hereby declared to be, and the same shall be, a body corporate having perpetual succession and a common seal.

(2) A notification by the Governor General in Council in the Gazette of India that a Kirk Session has been duly constituted in pursuance of an Act of the General Assembly of the Church of Scotland shall be conclusive proof that it has been so constituted.

3. (1) Every Kirk Session constituted as aforesaid shall, as a body corporate, have power to acquire and hold any property which has been, or may hereafter be, vested in it for the purposes of the Congregation for which it has been, or may hereafter be, constituted, or of any trust which may have been, or may hereafter be, accepted by it, to transfer the same, to contract and to do all other things necessary for, or incidental to, the purposes of its constitution or of any such trust as aforesaid.

(2) The signature of the Moderator and Treasurer or Session-clerk for the time being of a Kirk Session constituted as aforesaid shall, if affixed on behalf and by order of the Kirk Session, be sufficient for all purposes for which the signature of the Kirk Session is required.

J. M. MACPHERSON,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 14, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 13th October, 1899, and is hereby promulgated for general information:

ACT NO. XXIV OF 1899.

An Act to consolidate and amend the law relating to the Court of Wards in the Central Provinces.

WHEREAS it is expedient to consolidate and amend the law relating to the Court of Wards in the Central Provinces; It is hereby enacted as follows:

Preliminary.

1. (r) This Act may be called the Central Provinces Court of Wards Act, 1899.

(2) It extends to the territories for the time being administered by the Local Government of the Central Provinces; and

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) the expression "Government ward" means any person of whose property, or of whose person and property, the Court of Wards may, for the time being, have the superintendence under this Act:

(b) "land" includes the rights of a land-holder in respect of the land of which he is the málguzář or zamíndár or the muáfídár, jagírdár, ubáridár or

other assignee of land-revenue, or in which he is interested; and

(c) "land-holder" means a málguzář as defined in the Central Provinces Land-revenue Act, 1881, and the zamíndár of any zamíndári in a Scheduled District, and includes a muáfídár, jagírdár, ubáridár or other assignee of land-revenue, and any person not hereinbefore specified who is interested in land and belongs to a class of which the Local Government, with the previous sanction of the Governor General in Council, has declared the members to be land-holders for the purposes of this Act.

3. Subject to the provisions of section 9, the Commissioner shall be the Court of Wards for the limits of his division.

4. The Court of Wards may, with the previous sanction of the Local Government, assume the superintendence of the property of any land-holder owning land within the local limits of its jurisdiction who is disqualified to manage his property.

5. (r) The following persons shall, for the purposes of section 4, be deemed to be disqualified to manage their own property, namely:

- (a) minors;
- (b) persons adjudged by a competent Civil Court to be of unsound mind and incapable of managing their affairs; and
- (c) persons declared by the Local Government to be incapable of managing their property owing to—
 - (i) any physical or mental defect or infirmity;

- (ii) their having been convicted of a non-bailable offence and being unfitted by vice or bad character; or

(iii) their being females.

(2) No suit shall be brought in any Civil Court in respect of any declaration made by the Local Government under sub-section (1), clause (c).

6. (1) Any land-holder may apply to the Local Government to have his property placed under the superintendence of the Court of Wards, and the Local Government may on such application, if it thinks it expedient in the public interests, order the Court of Wards to assume the superintendence of the property.

(2) An order made by the Local Government under sub-section (1) shall be sufficient to authorize the Court of Wards to assume the superintendence of the property referred to therein, and no suit shall be brought in any Civil Court in respect of any such order.

7. (1) Whenever the Court of Wards receives information that any land-holder has died and has reason to believe that the heir of the land-holder is a person who is, or should be adjudged or declared to be, disqualified under section 5, the Court may—

(a) take such steps and make such order for the temporary custody and protection of the property inherited as it thinks fit; and,

(b) if the heir is a minor, direct that the person (if any) having the custody of the minor, shall produce him or cause him to be produced at such place and time and before such person as the Court may appoint, and make such order for the temporary custody and protection of the minor as it thinks fit:

Provided that, where the minor is a female and belongs to a class the females of which do not usually appear in public, her production shall be required only in accordance with the manners and customs of the country.

(2) Whenever the Court of Wards proceeds under this section, it shall forthwith report its action for the information of the Local Government.

8. Where the Court of Wards assumes the superintendence of the property of a minor or of a person who has been adjudged by a competent Civil Court to be of unsound mind and incapable of managing his affairs, it may, with the previous sanction of the Local Government, assume the superintendence of his person also:

Provided that nothing in this section shall authorize the Court of Wards to assume the superintendence of the person of a female who is married to a man of full age and is in his custody.

9. Where a land-holder owns land within two or more divisions, such one only of the Courts of Wards as the Local Government may determine in this behalf shall assume the superintendence of the property, or of the person and property, of the land-holder.

10. (1) Whenever the Court of Wards assumes the superintendence of the property of any person under this Act, the fact of such assumption, and the date on which it was sanctioned by the Local Government, shall be notified in the local official Gazette.

(2) On and with effect from the date of such sanction, the whole of the property, moveable and immovable, of such person, whether the existence of any such property may be known to the said Court or not, shall be deemed to be under the superintendence of the Court of Wards.

(3) Any property which the Government ward may inherit subsequently to the date of such sanction, shall also be deemed to be under the superintendence of the Court of Wards.

(4) The Court of Wards may, in its discretion, assume, or refrain from assuming, the superintendence of any property which the ward may acquire, otherwise than by inheritance, subsequently to the date of such notification.

11. No suit shall be brought in any Civil Court to contest the authority of the Court of Wards in respect of the property, or of the person and property, of any person under this Act on the ground that such person was not, or is not, a land-holder or a minor.

12. (1) On the issue of a notification under section 10, the Court of Wards shall publish in the local official Gazette and in such other manner as the Local Government may, by general or special order, direct, a notice, in English and also in the vernacular, calling upon all persons having claims against the Government ward or his immovable property to submit the same in writing to it within six months from the date of the publication of the notice aforesaid.

(2) Every such claim (other than a claim on the part of the Government) not submitted to the Court of Wards in compliance with the provisions of sub-section (1), shall, save in the case provided for by section 16, sub-section (2), clause (c), be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged:

Provided that, if the Court of Wards is satisfied that the claimant was unable to comply with the provisions of sub-section (1), it may receive his claim at any time after the date of the expiry of the period aforesaid, but any claim so received shall, notwithstanding any law, contract, decree or award to the contrary, cease to carry interest from the date of the expiry of the period aforesaid.

13. (1) Every claimant submitting his claim

Claimants to furnish full particulars and documents.

in compliance with the provisions of section 12, sub-section (1), shall furnish, along with his written statement of claim, full particulars thereof, and shall, at the same time, produce all documents (including entries in books of account) on which he relies to support his claim, together with a true copy of every such document.

(2) The Court of Wards shall, after marking, for the purpose of identification, every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the claimant.

(3) If any document, which is in the possession or under the control of the claimant, is not produced by him as required by sub-section (1), the document shall not be admissible in evidence against the Government ward, whether during the continuance of the management or afterwards, in any suit brought by the claimant or by any person claiming under him.

14. If a Civil Court has directed any process of execution to issue against

Stay of proceedings of Civil Courts.

any immovable property of a Government ward or the rents thereof or any crops standing thereon, the Court of Wards may, at any time within one year after the issue of a notification under section 10, apply to the Civil Court to stay proceedings in the matter of such process, and the Civil Court may, on such terms regarding interest or compensation for delay as may appear to it to be just and reasonable, stay such proceedings accordingly.

15. (1) On receipt of all claims submitted in compliance with the provisions of sections 12 and

Adjudication of claims.

13, the Court of Wards shall proceed to investigate such claims and shall decide which of them are to be wholly or partly admitted or wholly or partly rejected, as the case may be, and shall communicate its decision in writing to each claimant concerned.

(2) When the Court of Wards has admitted any claim under sub-section (1), it may make to the claimant a proposal in writing for the reduction of the claim, or of the rate of interest to be paid in future, or of both; and, if such proposal, or any modification of it, is accepted by the claimant and his acceptance is finally recorded and attested by the Court of Wards or by any Revenue-officer not being below the rank of an Assistant Commissioner whom the Local Government may, by general or special order, appoint in this behalf, it shall be conclusively binding upon the claimant:

Provided that, if when the superintendence of the property by the Court of Wards is relinquished or otherwise terminates, any portion of the claim reduced as aforesaid is still unsatisfied, the claimant shall be entitled to recover a sum bearing the same proportion to the original claim admitted under sub-section (1) as the unsatisfied portion bears to the reduced claim.

(3) Subject to the provisions of sub-section (2), nothing in this section shall be construed to bar the institution of a suit in a Civil Court for the recovery of a claim against a Government ward or his property which has

been submitted to and received by the Court of Wards:

Provided that no decision of the Court of Wards under this section shall be proved in any such suit as against the defendant.

16. (1) When all claims have been investigated under section 15, the

Report to Chief Commissioner.

Court of Wards shall submit to the Local Government a schedule of the debts and liabilities of the Government ward, and the Local Government may, when the estate appears to be involved beyond all hope of extrication or for any other sufficient reason, by an order published in the local official Gazette, direct that, on a date to be fixed by the order, the superintendence of the property and person of the ward shall be relinquished by the Court of Wards.

(2) On the date so fixed—

(a) the superintendence shall terminate;

(b) the owner of the property under superintendence shall be restored to the possession thereof, subject to any contracts entered into by the Court of Wards for the preservation or benefit of such property;

(c) the claims referred to in section 12, sub-section (2), shall revive.

(3) In calculating the periods of limitation applicable to suits to recover and enforce debts and liabilities revived under this section, the time during which such superintendence has continued shall be excluded.

17. The Court of Wards may appoint a

Appointment, etc., of managers by Court of Wards.

manager of the property of any Government ward under its superintendence.

18. (1) With the general or special sanction

Delegation of powers by Court of Wards.

of the Local Government, the Court of Wards may, from time to time, delegate all or any of its powers to the Deputy Commissioner of any district in which any part of the property of a Government ward is situated, or to any other person whom it may appoint in this behalf, and may, at any time, with the like sanction, revoke such delegation.

(2) Subject to any general or special orders of the Local Government, the Court of Wards may exercise all or any powers conferred on it by this Act through the Deputy Commissioner of any district in which any part of the property of a Government ward is situated, or through any other person whom it may appoint in this behalf, and, subject to the like orders, any such Deputy Commissioner may exercise all or any powers delegated to him under this Act through any Revenue-officer subordinate to him.

19. (1) Every manager appointed by the Court of Wards shall—

Liabilities, etc., of managers and other servants of Court of Wards.

(a) give such security as the Court thinks fit duly to account for what he receives in respect of the rents and profits of the property under his management;

(b) be entitled to such allowance as the Court thinks fit for his care and pains in the execution of his duties; and

(c) be responsible for any loss occasioned to the property under his management by his wilful default or gross negligence.

(a) Every manager or other servant of the Court of Wards shall be deemed a "public servant" within the meaning of sections 161, 162, 163, 164 and 165 of the Indian Penal Code; and in the definition of "legal remuneration" contained in the said section 161, the word "Government" shall, for the purposes of this sub-section, be deemed to include the Court of Wards.

20. The Court of Wards may appoint guardians for the care of the persons of Government wards whose persons are, for the time being, under its superintendence.

Power for Court of Wards to appoint guardians of certain Government wards.

21. Subject to the provisions of this Act and of any rules thereunder, the Court of Wards—

General powers of Court of Wards.

(a) may, of itself or through the manager (if any) appointed by it under this Act, do all such things requisite for the proper care and management of any property, of which it assumes the superintendence under this Act, as the owner of the property, if it were not under the superintendence of the Court of Wards, might do for its care and management; and

(b) may, of itself or through the guardian (if any) appointed by it under this Act, do, in respect of the person of any Government ward whose person is, for the time being, under its superintendence, all such things as may lawfully be done by a guardian.

22. The Court of Wards may pass such orders as it thinks fit in respect of the custody and residence of any Government ward whose person is, for the time being, under its superintendence, and, when he is a minor, in respect of his education.

Custody, education and residence of certain Government wards.

23. The Court of Wards may, from time to time, determine what sums shall be allowed in respect of the expenses of any Government ward and of his family and dependants.

24. The Court of Wards, or the manager (if any) appointed by it under this Act, shall manage the property of every Government ward under its superintendence or under his management diligently and faithfully for the benefit of the Government ward, and shall in every respect act to the best of its or his judgment for the Government ward's interest as if the property were its or his own.

25. The Court of Wards may let the whole or any part of the property of any Government ward under its superintendence, and may, with the previous sanction of the Local Government, mortgage, sell or exchange the whole or any part of such property, and may do

all such other acts as it may judge to be best for the benefit of the property and the advantage of the Government ward.

26. No suit relating to the person or property of any Government ward shall be brought in any Civil Court until the expiration of two months after notice in writing, stating the name and place of abode of the intending plaintiff, the cause of action and the relief claimed, has been delivered to, or left at the office of, the Court of Wards; and the plaint shall contain a statement that such notice has been so delivered or left:

Notice of suit.

Provided that notice under this section shall not be required in the case of any suit the period of limitation for which will expire within three months from the date of a notification issued under section 10, sub-section (1).

27. In every suit brought by or against a Government ward, the manager or Court of Wards to be next friend or guardian in suit by or against Government wards. Government ward, the manager of the ward's property or, if there is no manager, the Court of Wards having the superintendence of the ward's property shall be named as the next friend or guardian for the suit, as the case may be.

28. If, in any suit brought by or against a Government ward, any Civil Court decrees any costs against the Government ward's next friend or guardian for the suit, the Court of Wards shall cause the costs to be paid out of any property of the Government ward which may, for the time being, be in its hands.

Payment of costs.

29. Every process which may be issued out of any Civil or Revenue Court against any Government ward shall be served on the Government ward's next friend or guardian for the suit.

Processes against Government ward to be served on next friend or guardian.

30. No suit shall be brought, and no appeal in any suit shall be preferred, on behalf of any Government ward unless it is authorized by an order in writing of the Court of Wards:

Authority of Court of Wards required in case of suits brought on behalf of Government wards.

Provided as follows:

- (1) a manager may authorize a plaint to be filed in order to prevent a suit from being barred by the law of limitation, but the suit shall not afterwards be proceeded with except under the sanction of the Court of Wards;
- (2) a suit for arrears of rent may be brought on behalf of a Government ward, if authorized by an order of the manager of the property on which the rent is due.

31. (1) A Government ward shall be incompetent to transfer or create any charge on, or interest in, his property or any part thereof (except such interest as may be created by a will made in accordance with section 32), or to enter into any contract which may involve him in pecuniary liability; and no suit shall be brought in any Civil Court whereby to charge any person upon any promise made after he has ceased to be a Government ward to pay

Disabilities of a Government ward.

any debt contracted during the period when he was a Government ward, or upon any ratification made after he has ceased to be a Government ward of any promise or contract made during the period aforesaid, whether there is or is not any new consideration for such promise or ratification.

(2) Nothing in this section shall be deemed to affect the capacity of a Government ward to enter into a contract of marriage :

Provided that a Government ward shall not incur, in connection with such a contract, any pecuniary liability, except such as, having regard to the personal law to which he is subject and to his rank and circumstances, the Court of Wards may, in writing, declare to be reasonable.

32. No adoption by a Government ward, and Consent of Local Government necessary to adoptions or wills made by Government wards. no written or verbal permission to adopt given by a Government ward, or will made by a Government ward, shall be valid without the consent of the Local Government obtained, either previously or subsequently to the adoption or to the giving of the permission, or the making of the will, on application made to it through the Court of Wards.

33. Whenever, on the death of any Government ward, the succession Procedure when succession to Government ward's property is disputed. to his property or any part thereof is disputed, the Court of Wards may, with the previous sanction of the Local Government, either direct that the property or the part thereof be made over to any person claiming the property, or retain the superintendence of the property until one of the claimants has established his claim to the same in a competent Civil Court, or institute a suit of interpleader against all the claimants.

34. (1) The Court of Wards may, with the Withdrawal of superintendence of Court of Wards. sanction of the Local Government, at any time withdraw its superintendence from the person or property, or both, of a Government ward, and shall withdraw its superintendence as soon as,—

- (a) in the case of a person disqualified under clause (a) of section 5, sub-section (1), he attains his majority;
- (b) in the case of a person disqualified under clause (b) of the same, he ceases to be of unsound mind and incapable of managing his affairs;
- (c) in the case of a person disqualified under sub-clause (i) of clause (c) of the same, his physical or mental defect or infirmity is removed or ceases :

Provided as follows :

- (i) whenever a Government ward dies or ceases to be disqualified and his property is still encumbered with debts and liabilities, the Court of Wards may, with the previous sanction of the Local Government, either release such property or retain it under its superintendence until such debts and liabilities have been discharged; and,

- (ii) if one or more of the proprietors of a property remain disqualified, although another or others may have ceased to be disqualified, the Court of Wards may, with the previous sanction of the Local Government, retain the whole of the property under its superintendence, paying any proprietor who has ceased to be disqualified the surplus income accruing from his share of the estate.

(2) Where any question arises as to whether the superintendence of the Court of Wards should be withdrawn from any person or property, or both, under clause (2), or from any property under clause (c), of sub-section (1), the decision of the Local Government thereon shall be final, and no suit shall be brought in any Civil Court in respect of such decision.

35. (1) Where, in exercise of the power Appointment of guardian in certain cases. conferred by section 34, the Court of Wards decides to withdraw its superintendence from the person and property of any minor, it shall, before such withdrawal, by an order in writing, appoint some person to be guardian of the person or property, or both, of the minor, and such appointment shall take effect from the date of such release.

(2) In appointing a guardian under this section, the Court of Wards shall be guided by the provisions of the Guardians and Wards Act, VIII of 1890. and every guardian so appointed shall have, and be subject to, the same rights, duties and liabilities as if he had been appointed under that Act.

36. Where the Court of Wards withdraws its Withdrawal to be notified in Gazette. superintendence from any person or property under this Act, the fact of such withdrawal shall be notified in the local official Gazette.

37. An appeal shall lie from every order passed Appeals. under this Act, whether original or on appeal,—

- (a) if the order is that of a Commissioner, to the Local Government;
- (b) if the order is that of a Deputy Commissioner, to the Commissioner;
- (c) in all other cases, to the Deputy Commissioner :

Provided that in no case shall a third appeal lie.

38. All orders or proceedings under this Act shall be subject to the Control of Local Government. supervision and control of the Local Government; and the Local Government may, if it thinks fit, revise, modify or reverse any such order or proceeding, whether an appeal is presented against any such order or proceeding or not.

39. No suit shall be brought in any Civil Exercise of discretion not to be questioned in Civil Court. Court in respect of the exercise of any discretion conferred by this Act.

40. (1) The Local Government may make Power for Local Government to make rules. rules to carry out the purposes and objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the matters to which regard should be had in appointing or removing guardians and managers, and in fixing their remuneration ;
- (b) regulate the amount of security to be given by managers ;
- (c) prescribe the cases in which proposals or arrangements connected with the administration of the properties of Government wards shall be reported for the sanction of the Local Government ;
- (d) prescribe the accounts and other returns which, and the periods and form at and in which, they shall be rendered to the Court of Wards and by the Court of Wards to the Local Government ;
- (e) regulate the custody of securities and title-deeds belonging to the estate or property of a Government ward ;
- (f) regulate the procedure in inquiries by, and in appeals from orders of, the Court of Wards under this Act, and fix the periods of limitation which shall apply to such appeals ;
- (g) confer upon the Court of Wards for the purposes of this Act any of the powers exercised by a Civil Court in the trial of suits ;
- (h) prescribe the mode in which powers delegated to managers are to be

notified for the information of persons concerned ; and,

- (i) generally, prescribe the manner in which the powers and duties of the Court of Wards under this Act shall be exercised and performed.

(3) All rules made under this section shall be published in the local official Gazette, and shall on such publication have effect as if enacted by this Act.

41. The enactments mentioned in the schedule are repealed to the extent specified in the fourth column thereof.

THE SCHEDULE.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1885	XVII	The Central Provinces Government Wards Act, 1885.	The whole.
1890	VIII	The Guardians and Wards Act, 1890.	So much of section 2 and the schedule as relates to Act XVII of 1885.
1891	XII	The Repealing and Amending Act, 1891.	So much as relates to Act XVII of 1885.

J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 13th October, 1899, and is hereby promulgated for general information :

ACT NO. XXV OF 1899.

An Act further to amend the Punjab Courts Act, 1884.

WHEREAS it is expedient further to amend the Punjab Courts Act, 1884; It is hereby enacted as follows :

1. (1) This Act may be called the Punjab Courts Act, 1899; and

Short title and commencement.

(2) It shall come into force at once.

2. To section 39 of the Punjab Courts Act, 1884, as amended by the Punjab Courts Act, 1888, the following proviso shall be added, namely :

"Provided that the Chief Court may, with the previous sanction of the Local Government, by notification in the local official Gazette, direct that appeals lying to the Divisional Court under clause (c) from all or any of the decrees passed in an original suit by any Munsif or Subordinate Judge shall be preferred to such District Judge as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly, and the Court of such District Judge shall be deemed to be a Divisional Court for the purposes of all appeals so preferred."

3. For sections 40 and 41 of the Punjab Courts Act, 1884, as amended by the Punjab Courts Act, 1888, the following sections shall be substituted, namely :

"40. (1) A further appeal shall lie to the Chief Court in any of the following cases from an appellate decree of a Divisional Court on any ground which would be a good ground of appeal if the decree had been passed in an original suit, namely :

(a) in a small cause or unclassified suit,—

(i) if the value of the suit is one-thousand rupees or upwards, or the decree involves directly some claim to, or question respecting, property of like value, and the decree of the Divisional Court varies or reverses otherwise than as to costs the decree of the Court below ; or

(ii) if the value of the suit is two-thousand-five-hundred rupees or upwards or the decree involves directly some claim to, or question respecting, property of like value :

(b) in a land suit,—

(i) if the value of the suit is two-hundred-and-fifty rupees or upwards or the decree involves directly some claim to, or question respecting, property of like value and the decree of the Divisional Court varies or reverses otherwise than as to costs the decree of the Court below ; or

(ii) if the value of the suit is one-thousand rupees or upwards or the decree involves directly some claim

to, or question respecting, property of like value.

XIV of 1882. " (2) The provisions contained in Chapter XLI of the Code of Civil Procedure as amended by this Act shall apply, as far as may be, to further appeals under this section and to the execution of decrees passed on such appeals.

XIV of 1882. " 41. Subject to the provisions of sections 40 and 70 of this Act and to those of section 595 of the Code of Civil Procedure, an appellate decree of a District Judge or Divisional Court shall be final.

XVIII of 1884. 4. In section 43 of the Punjab Courts Act, 1884, the proviso to sub-section 43, Act XVIII, 1884, section (2) is hereby repealed.

XVIII of 1884. 5. After section 67 of the Punjab Courts Act, 1884, the following section shall be inserted, namely:

XIV of 1882. " 68. Section 568 of the Code of Civil Procedure, in its application to the territories to which this Act extends, shall be read subject to the following additions, namely:

(1) at the end of clause (b) the words and letter "or (c) the Appellate Court considers further inquiry necessary on any issue or question of fact", and

(2) after the words "or witness to be examined" the words "or such inquiry to be made".

XVIII of 1884. 6. For sections 70 and 71 of the Punjab Courts Act, 1884, the following sections shall be substituted, namely:

" 70. (1) The Chief Court may call for the record of any case in which no appeal lies to it, and may pass such order in the case as it thinks fit,—

(a) if the Court, by which the case was decided, appears to have exercised a jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of its jurisdiction with material irregularity; or

(b) if, on application made to it, the Chief Court is of opinion that there is an important question of law or custom involved and that such question requires further consideration:

" Provided as follows—

(i) no application under clause (b) shall be admitted after the expiration of

ninety days from the date of the order in respect of which the application is made, unless the applicant satisfies the Chief Court that he had sufficient cause for not making the application within that period:

(ii) no such application shall be admitted in a small cause under the value of one-thousand rupees or in an unclassified suit under the value of two-hundred rupees:

(iii) on any such application the Chief Court shall not revise the decision of the Court below except in so far as such decision involves the question of law or custom in respect of which the application has been admitted: and

(iv) when any such application has been admitted, the Chief Court shall, subject to the last foregoing proviso, treat the matter of the application as if it were an appeal.

" Explanation.—A question of procedure is not a question of law or custom within the meaning of clause (b).

" (2) In computing the period of limitation aforesaid, the provisions of the Indian Limitation Act, 1877, shall be deemed to apply. XV of 1877

" (3) Section 622 of the Code of Civil Procedure, in so far as it applies to the territories to which this Act extends, is hereby repealed. XIV of 1882

" 71. In the first schedule to the Court-fees Act, 1870, after No. 12, the VII of 1870. Amendment of the first schedule, Act VII, 1870, following shall be inserted, namely:

" 13. Application to the Chief Court in the Punjab for the exercise of its jurisdiction under section 70 of the Punjab Courts Act, 1884, as amended by the Punjab Courts Act, 1892.	When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees.	Two rupees.
	When such amount or value exceeds twenty-five rupees.	The fee leviable on a 1884. memorandum of appeal."

7. In section 72 of the Punjab Courts Act, XVIII of 1884, for the words and figures "under section 622 of the Civil Procedure Code", the words and figures "under section 70" shall be substituted. XIV of 1882

J. M. MACPHERSON,

Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 15, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 14th July, 1899:

NO. 10 OF 1899.

A Bill to provide for the Incorporation of Kirk Sessions of the Church of Scotland in British India.

WHEREAS there are in British India Kirk Sessions of the Church of Scotland which have been duly constituted to be Church Courts for ecclesiastical purposes in pursuance of Acts of the General Assembly of the Church of Scotland;

And whereas it is expedient that such Kirk Sessions and any others which may hereafter be so constituted, should be incorporated with the powers hereinafter provided; It is hereby enacted as follows:

1. (1) This Act may be called the Church of Scotland Kirk Sessions Act, 1899.
- Short title, extent and commencement.

(2) It extends to the whole of British India and

(3) It shall come into force at once.

2. Every Kirk Session which has been, or may hereafter be, duly constituted to be a Church

Scotch Kirk Sessions to be bodies corporate. Court for ecclesiastical purposes in pursuance of an Act of the General Assembly of the Church of Scotland, is hereby declared to be, and the same shall be, a body corporate having perpetual succession and a common seal.

3. (1) Every Kirk Session constituted as aforesaid shall, as a body corporate, have power to dispose of property, acquire and hold any property which has been, or may hereafter be, vested in it for the purposes of the Congregation for which it has been, or may hereafter be, constituted, or of any trust which may have been or may hereafter be accepted by it, to transfer the same, to contract and to do all other things necessary for, or incidental to, the purposes of its constitution or of any such trust as aforesaid.

Power to hold and dispose of property.

(2) The signature of the Moderator and Treasurer for the time being of a Kirk Session constituted as aforesaid shall, if affixed on behalf and by order of the Kirk Session, be sufficient for all purposes for which the signature of the Kirk Session is required.

STATEMENT OF OBJECTS AND REASONS.

IN 1897 the Government of India were approached, through the Government of Bombay, by the members of the local Kirk Session with a memorial praying (1) that every duly constituted Kirk Session of the Church of Scotland in India should be declared (by legislation, if necessary) to be a corporate body with full powers as trustees to deal with

all funds and other property vested in them, and (2) that an Act should be passed constituting the Senior Minister for the time being of the Presidency Church in each of the Presidency-towns a corporation sole for the purposes of the Church of Scotland in India.

2. The Government of India are advised that legislation is required to incorporate Kirk Sessions of the Church of Scotland, and they agree with the various Local Governments concerned and the Presbytery of Edinburgh and the Committee on Indian Churches, which have been consulted in the matter, in thinking that such legislation should be undertaken. There does not, however, seem to be sufficient reason for declaring Senior Chaplains of the Church of Scotland to be corporations sole. The Anglican Bishops in India are such, no doubt, by their Letters Patent; but the position of the Senior Chaplains of the Church of Scotland is essentially different, and neither Roman Catholic Bishops nor the dignitaries of other denominations are corporations sole. The present Bill, therefore, is confined to giving effect to the first part only of the memorial above referred to.

The 22nd June, 1899.

T. RALEIGH.

J. M. MACPHERSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 14th July, 1899 :

NO. 11 OF 1899.

A Bill to make better provision for the Registration of British Ships in British India.

WHEREAS it is enacted in section 735 of the Merchant Shipping Act, 1894, that "the legislature of any British possession may, by any Act or Ordinance, confirmed by Her Majesty in Council, repeal, wholly or in part, any provisions of this Act (other than those of the Third Part thereof which relate to emigrant ships) relating to ships registered in that possession; but any such Act or Ordinance shall not take effect until the approval of Her Majesty has been proclaimed in the possession, or until such time thereafter as may be fixed by the Act or Ordinance for the purpose;"

And whereas it is expedient that certain provisions of the said Merchant Shipping Act, 1894, should be repealed in so far as they relate to the registration of British ships in British India, and that other provisions should be enacted in place thereof;

It is hereby enacted as follows :

(6) 1. (1) This Act may be called the Indian Short title, extent and commencement. Registration of Ships Act, 1899.

(2) It extends to the whole of British India ; and

(3) It shall come into force on the day on which Her Majesty's approval thereof is proclaimed by notification in the Gazette of India.

2. In this Act, unless there is anything repugnant in the subject or context,—
Definitions. [2.]

(a) the expression "British ship" has the meaning assigned to it by section 1 of the Merchant Shipping Act, 1894; 57 & 58 Vict., c. 60. [3.]

(b) the expression "home-trade ship" means a ship employed in trading between any ports in British India, or between any port in British India and any port or place on the Continent of India, or in the Maldivé and Laccadive Islands, or in the Straits Settlements, or in the Island of Ceylon; [3 (a).]

(c) the expression "native coasting-ship" means a home-trade ship, being a sailing ship of not more than two hundred tons burden, which is owned by one or more native Indian subjects of Her Majesty; and [3 (b).]

(d) the expression "seaman" includes every person (except masters, pilots, harbour-masters and duly indentured apprentices) employed or engaged in any capacity on board any ship. [3 (7).]

3. (1) Any British ship registered under Act XIX of 1838, or under the ships registered under Indian Registration of Ships Act, 1841, and the Indian Registration of Ships Act, (1841) Amendment Act, 1850, may,— [8.]
Re-registration of certain Indian Acts. X of 1841. XI of 1850.

(a) within a period of twelve months after the commencement of this Act, or,

(b) if the ship is not within a port of registry in British India at any time before the expiration of the said period, then within one month after her next return to a port of registry in British India,

be re-registered under the Merchant Shipping Act, 1894, as amended by this Act.

(2) No fee shall be payable for the measurement of the tonnage of any ship for the purposes of re-registration under sub-section (1). 57 & 58 Vict., c. 60.

(3) If any such ship as aforesaid is not re-registered as provided by sub-section (1), she shall not be recognised as a British ship:

Provided that this sub-section shall not apply in the case of any ship referred to in section 4.

[9.] 4. (1) Notwithstanding anything in section 2 of the Merchant Shipping Act, 1894, it shall not be obligatory on any person to register under that Act any native coasting-ship which is for the time being registered under Act XIX of 1838 or any British ship which is for the time being registered under Bombay Act I of 1863 (*an Act for the registry of vessels and levy of pilotage fees on the river Indus*) or any other British ship which plies solely on inland water.

57 & 58 Vict., c. 60. Registration of certain native coasting-ships and of inland ships not to be required.

(2) The expression "inland water" means any canal, river, lake or navigable water in British India.

(3) The Local Government may, by notification in the local official Gazette, define how much of any tidal water shall be deemed to be inland water for the purposes of this section.

[10.] 5. (1) So far as regards any ship the tonnage of which is measured, ascertained and marked in accordance with rules made under sub-section (2), the rules and orders on the same subjects prescribed by or under the Merchant Shipping Act, 1894, or under any other Act repealed by that Act, are hereby repealed.

Measurement and marking of tonnage of native coasting-ships.

(2) The Local Government may make rules to provide for measuring and ascertaining, whether for the purpose of registry or otherwise, the tonnage of native coasting-ships, and for marking the tonnage on such ships; and it shall be optional to the owner of any such ship to have her tonnage measured, ascertained and marked in accordance either with rules made under this sub-section or with the rules and orders referred to in sub-section (1).

(3) Rules made under sub-section (2) may provide, among other matters, that if any alteration be made in a native coasting-ship after she has been registered in pursuance of the said rules, the certificate of registry shall be cancelled and the ship re-measured in accordance with the said rules.

(4) The word "alteration" in sub-section (3) means any change, whether temporary or permanent, either in the structure of a native coasting-ship or in the use to which any part of a native coasting-ship is put, by which the capacity of the ship for carrying cargo is, either directly or indirectly, increased.

[11.] 6. (1) Clauses (d) and (e) of section 4 of the Merchant Shipping Act, 1894, are hereby repealed.

57 & 58 Vict., c. 60. Registrars.

(2) The following persons shall be registrars of British ships in British India, namely:

(a) at the ports of Calcutta, Madras, Bombay, Karachi, Aden and Rangoon, the Port Officer or any other person appointed by the Local Government in this behalf by notification in the official Gazette, and

(b) at any other port which has been approved under section 89 of the Merchant Shipping Act, 1894, for the registry of ships, any person appointed by the Local Government in this behalf by a like notification.

Substitution of Local Government for Board of Trade and Governor of a British Possession.

7. In the application of the Merchant Shipping Act, 1894, to British India—

(a) sections 7, 47, 77 (2), 78, 80, 85, 86 and 724 (4) and clause 5 of rule I of the second schedule shall be read and construed as if the Local Government were therein named instead of the Board of Trade, and

(b) section 89 shall be read and construed as if the Local Government were therein named instead of the Governor of a British Possession.

8. (1) The following portions of the Merchant Shipping Act, 1894, namely, sections 64 (1) and 77 (2), so far as they relate to fees, and sections 83 and 210 (3), and clauses (6), (7) and (8) of the sixth schedule, are hereby repealed.

Fees.

(2) The fees payable in British India in respect of the matters mentioned in the first schedule to this Act shall be such sums, not exceeding those specified in that schedule, as the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, appoint.

9. Sections 31 to 46 (both inclusive) of the Merchant Shipping Act, 1894, are hereby repealed so far as they relate to mortgage and sale of native coasting-ships.

Mortgage and sale of native coasting-ships.

10. (1) Clauses (2), (3), (4) and (5) of the sixth schedule to the Merchant Shipping Act, 1894, are hereby repealed.

Deduction from register tonnage on account of crew space.

(2) No place in any British ship registered in British India which is occupied by seamen or apprentices engaged under any law for the time being in force and appropriated to their use shall authorize a deduction from register tonnage, unless there is in the ship one or more properly constructed privy or privies for the use of the crew, such privy or privies to be of such number and of such construction as may be approved by a surveyor appointed under section 727 of the Merchant Shipping Act, 1894.

(3) Every place so occupied and appropriated as aforesaid shall, whenever the ship is registered or re-registered in British India, be inspected by a surveyor appointed as aforesaid, who shall, if satisfied that the same is in all respects such as is required by any law for the time being in force, give to the registrar a certificate to that effect; and if such certificate is obtained, but not otherwise, such space shall be deducted from the register tonnage.

(4) No such deduction shall be authorized unless there is permanently cut in a beam, and cut in or painted on or over the doorway or

hatchway of every place so occupied and appropriated, the number of men which it is constructed to accommodate, with the words "Certified to accommodate seamen".

(5) Upon any complaint concerning any place so occupied and appropriated as aforesaid, any surveyor appointed as aforesaid may inspect the same, and, if he finds that any of the provisions of any law for the time being in force with respect thereto are not complied with, he shall report the fact to the registrar at the port where the ship is registered, and thereupon the register tonnage shall be altered, and the deduction aforesaid disallowed, unless and until it is certified by the same surveyor, or by some other surveyor appointed as aforesaid, that the provisions of such law as aforesaid with respect to such place are fully complied with.

[7.] XI. The enactments mentioned in the second schedule are repealed to the extent specified in the fourth column thereof.

THE FIRST SCHEDULE.

MAXIMUM FEES FOR PURPOSES CONNECTED WITH THE REGISTRY OF BRITISH SHIPS.

[See section 8, sub-section (2).]

1. For measurement of tonnage of British ships.

Rs.

For a ship under 50 tons register tonnage 15

" " from 50 to 100 tons register tonnage 22

" " " 100 to 200 " 30

" " " 200 to 500 " 45

" " " 500 to 800 " 60

" " " 800 to 1,200 " 75

" " " 1,200 to 2,000 " 90

" " " 2,000 to 3,000 " 105

" " " 3,000 to 4,000 " 120

" " " 4,000 to 5,000 " 135

" " " 5,000 tons and upwards

register tonnage 150

2. For altering the name of the ship in the register book in pursuance of section 47, sub-section (4) or sub-section (5), of the Merchant Shipping Act, 1894, as amended by section 7 of this Act—

Half the fee which would be payable under clause 1 of this Schedule.

3. For inspection of places in British ships which are occupied by seamen or apprentices engaged under this Act, and appropriated to their use—

For each visit to the ship . Rs. 5

Provided as follows:—

(a) the aggregate amount of the fees for any such inspection shall not exceed ten rupees, whatever be the number of separate visits;

(b) when the accommodation is inspected at the same time with the measurement of the tonnage, no separate fee shall be charged for such inspection.

Rs. A.

4. For inspection of a register-book o 8

5. For re-measurement of a British ship in pursuance of section 77, sub-section (2), of the Merchant Shipping Act, 1894—

57 & 58 Vict., c. 60.

For each transverse section 5 o

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(See section 11.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1841	X	The Indian Registration of Ships Act, 1841.	In the title, the words "belonging to ports within the territories under the Government of the East India Company or" and the words "under a proclamation of the Governor General of India in Council made". In the preamble the words from "that it shall be lawful" to "the same Statute", the words "be deemed British ships, or," and the words "under such proclamation as aforesaid". Sections 1 to 12 and 14 to 23 so far as they have not been repealed. In section 25, the words "certificate or" and the words "registering or". Section 26. In section 27 (inserted by Act VII of 1891, section 9), the final letter of the word "expressions" and the words "Local Governments of India" and "Government of the Presidency". The proclamation appended to the Act. The schedule.
1850	XI	The Indian Registration of Ships Act, (1841) Amendment Act, 1850.	In section 3, the words and figures "owned by British subjects entitled to registry under Act X of 1841, or," the words "be registered and," and the words "and the tonnage may be marked."
1883	V	The Indian Merchant Shipping Act, 1883.	Section 4. Section 38.
1891	VII	The Indian Registration of Ships Act, (1841) Amendment Act, 1891.	Sections 2 to 7 so far as they have not been repealed.
"	XII	The Repealing and Amending Act, 1891.	The first schedule, in so far as it relates to sections 5 and 6 of Act VII of 1891, and the second schedule, in so far as it relates to that Act.

STATEMENT OF OBJECTS AND REASONS.

The Indian Registration of Ships Act, 1841 (X of 1841), and the amending Act XI of 1850 were passed in pursuance of the Statute 3 & 4 Vict., c. 56. The provisions of that Statute were expressly saved by section 108 of the Merchant Shipping Act, 1854 (17 & 18 Vict., c. 104), but the saving was not repeated when the latter Act was recently repealed by Parliament and replaced by the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60). Section 2 of the Statute of 1894 provides that every British ship shall, unless exempted, be registered thereunder, and that, if a ship so required to be registered is not duly registered, she shall not be recognized as a British ship and shall not be entitled to any of the benefits, privileges, advantages or protection enjoyed by a British ship. Section 745, sub-section (1), clause (e), then declares that ships registered under the Merchant Shipping Act, 1854, or duly registered before the passing of that Act, shall be deemed to have been registered under the new Act. The result, apparently, is that, as the law now stands, registration under the Indian Acts of 1841 and 1850 effected after the passing of the Statute of 1854 is not sufficient to give a ship the status of a British ship; and that that status can be acquired only by registration in accordance with the provisions of the Statute of 1894. But by virtue of section 735 of the latter statute the legislature of any British possession may, by an Act confirmed by Her Majesty in Council, repeal, wholly or in part, any of its provisions and enact others in the place thereof. The necessity for legislation in exercise of the power so conferred has been brought to the notice of the Government of India, and it has been decided that it should be undertaken without further delay. The present Bill originally formed Part II of the general Merchant Shipping Bill which, though introduced in the Governor General's Council in 1892, is still pending before the Council. In connection with that Bill various legal and technical difficulties have been raised, and it has been found impossible to proceed with it as a whole at present; but no such difficulties appear to exist in connection with the Part above referred to, and it has, therefore, been extracted and thrown into the form of a separate Bill with a view to its early introduction and passage into law.

The 28th June, 1899.

T. RALEIGH.

J. M. MACPHERSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 14th July, 1899:

No. 12 OF 1899.

A Bill to provide for the conversion into British Indian currency of sums expressed in British currency in the Army Act.

WHEREAS it is provided by section 169 of 45 Vict., the Army Act that the Governor General in Council may declare the amount of the local currency which is to be deemed, for the purposes of the said Act, to be equivalent to any sum of British currency mentioned therein;

And whereas it is expedient, in exercise of the power so conferred, to provide for the con-

version into British Indian currency of sums expressed in British currency in the said Act;

It is hereby enacted as follows:

1. (1) This Act may be called the Currency Short title, extent Conversion (Army Annual) and commencement. Act, 1899.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. For the purposes of the Army Act, fifteen rupees of British Indian currency shall be deemed to be the equivalent of one pound of British currency and any sum of British currency mentioned in the said Act shall be deemed to be the equivalent of a sum of British Indian currency calculated at that rate of exchange. 44 & 45 Vict., c. 58.

3. This Act shall continue in force until the thirty-first day of March, 1900.
Duration of Act.

STATEMENT OF OBJECTS AND REASONS.

In several sections of the Army Act (44 & 45 Vict., c. 58), relating to fines, etc., reference is made to sums stated in British currency, but by section 169 power is taken for the Governor General in Council to declare the amount of the local currency which is to be deemed, for the purposes of the said Act, to be equivalent to any sum of British currency mentioned therein. By G. G. O. No. 198 of 1880, which was expressed as being issued in exercise of the authority given by the corresponding section 162 of the Army Discipline and Regulation Act, 1879 (42 & 43 Vict., c. 33), it was directed that

finer for drunkenness should be levied at the exchange rate of eight pies to the penny, or, in other words, at the exchange rate of two shillings to the rupee. It appears, however, that what is probably contemplated by the Statute is not an order of the Executive Government, but one emanating from the legislature, i.e., an Act of the Governor General in Council, and it has been decided to take action in accordance with this view of the law. Further, it is, in the opinion of the Government of India, reasonable that recoveries under the Statute should be made at the rate at which the sterling pay of the British soldier serving in India is converted into the local currency, and, as the rate is fixed anew for each financial year, it is proposed to deal with the matter regularly hereafter by means of an Annual Act. For the present and up to the 31st March next the rate has been fixed at one shilling and four pence to the rupee, and this Bill has, therefore, been drawn so as to continue in force up to that date and to legalize till then the conversion, for the purposes of the Statute, of sterling sums of money at that rate.

The 11th July, 1899.

EDWIN H. H. COLLEN.

J. M. MACPHERSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 14th July, 1899:

NO. 13 OF 1899.

A Bill to provide for the protection of certain telegraphic press messages.

WHEREAS it is expedient to provide for the protection of certain telegraphic press messages; It is hereby enacted as follows:

1. (1) This Act may be called the Telegraphic Press Messages Act, 1899.
Short title, extent and commencement.

(2) It extends to the whole of British India; and

(3) It shall come into force on the first day of , 1899.

2. Subject to the provisions of section 5, where any person lawfully receives in British India a telegraphic press message despatched to him from any place outside India, and publishes the same, or permits the same to be published, in any newspaper or other printed paper published and circulated in British India, no other person shall, without the consent, express or implied, of such first-mentioned person, or his agent duly authorized in this behalf, publish, or cause to be published, in any newspaper or other printed paper such message, or the substance thereof, or any extract therefrom, until after a period of thirty-six hours from the time of first publication in British India:

Provided that nothing in this section shall be deemed to prohibit the publication of any such message after the expiration of sixty hours (exclusive of public holidays within the meaning of the Negotiable Instruments Act, 1881) from the time of the receipt thereof as aforesaid.

XXVI of 1881.

Explanation 1.—The publication of any part of a telegraphic press message, or of the substance thereof, or (excepting the publication of any similar message in like manner sent) of the intelligence therein contained, or any comment upon, or any reference to, such intelligence, shall be deemed to be a publication for the purposes of this Act.

Explanation 2.—A telegraphic press message despatched and received as aforesaid, which is transmitted by the person receiving the same to any newspaper published and circulated in British India, is a telegraphic press message within the meaning of this Act, although it is also transmitted to persons who pay or subscribe for the same.

3. (1) Whoever, in contravention of section 2, publishes any matter, or causes any matter to be published, shall be punishable with fine which may extend to one hundred rupees.

(2) Whoever, having been convicted of an offence under this section, is again so convicted, shall be punishable with fine which may extend to five hundred rupees.

4. In any prosecution under this Act, the production of any document which purports to be a telegraphic message from some place outside India, received either directly through some other person who has received the same directly, and which has been delivered to some person entitled to receive the same by a telegraph officer, as defined by the Indian Telegraph Act, 1885, shall be *prima facie* evidence that the message published as hereinbefore prescribed is a telegraphic press message within

the meaning of this Act; and proof that any person is the owner, or is, or is acting or appears to be acting as, the editor or manager of a newspaper or other printed paper in which there has been any publication in contravention of the provisions of this Act, shall be *prima facie* evidence that such person has caused such unlawful publication.

5. (1) The provisions of this Act shall not apply to any telegraphic publication of telegraphic press messages. same is printed and published under the heading "By Foreign Telegraph" and states the day and hour of its receipt.

(2) Every such statement as aforesaid shall be *prima facie* evidence of the time of receipt of the telegraphic press message to which it relates.

6. For the purposes of this Act, all references to time shall be construed as referring to "Madras Time".

7. Nothing in this Act shall apply to any document published by, or under the authority of, the Government.

Saving as to publication by the Government.

STATEMENT OF OBJECTS AND REASONS.

ON several occasions in the course of the last twenty-seven years the Government of India have received representations as to the expediency of securing some measure of protection for foreign telegraphic press messages received in British India. In 1885 it was decided to provide for the matter in a Bill to amend the law of copyright, the introduction of which was at that time contemplated; but it was eventually decided that general legislation should not be initiated in India until the subject of copyright had been dealt with comprehensively for the whole of Her Majesty's dominions by Parliament.

Attention has again been drawn to the particular question of the protection of telegraphic news, and it seems to the Government of India that legislation regarding it is called for and that there is no necessity to postpone it any longer. The great importance to the Indian Public of a first-rate service of telegraphic news cannot be denied; it is undoubted that enterprise in that direction is being checked because the existing law recognizes no right of property in published telegrams and the systematic piracy of expensive foreign press messages has been the result; and the need for legislation has lately been recognized and acted upon by the colonial legislatures of New Zealand, Australia, the Cape of Good Hope, Hong Kong and Ceylon. In these circumstances it has been decided to introduce the present Bill, which has been framed somewhat on the model of the most recent of the colonial enactments alluded to, namely, that passed into law in Ceylon last year and entitled "The Telegram Copyright Ordinance, 1898."

The 5th July, 1899.

C. M. RIVAZ.

J. M. MACPHERSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 14th July, 1899:

No. 14 OF 1899.

[NOTE.—The italics indicate the alterations suggested in the existing Chapter VIII of the Transfer of Property Act, 1882.]

A Bill to amend the Transfer of Property Act, 1882.

WHEREAS it is expedient to amend the Transfer of Property Act, 1882; It is hereby enacted as follows:

1. (1) This Act may be called the Transfer of Property Act, 1899; and

Short title and commencement.

(2) It shall come into force at once.

2. For Chapter VIII of the Transfer of Property Act, 1882, the following Chapter shall be substituted, namely:

Substitution of new Chapter for Chapter VIII, Act IV, 1882.

"CHAPTER VIII.

"OF TRANSFERS OF ACTIONABLE CLAIMS.

"General.

"130. (1) A claim which the Civil Courts recognize as affording grounds for relief is actionable, whether a suit for its enforcement is or is not actually pending or likely to become necessary

(2) Every actionable claim may be transferred subject to the restrictions and conditions imposed by Chapter II and by this Chapter.

"131. No transfer of any debt or any beneficial interest in moveable property shall have any

Transfer of debts.

operation against the debtor or against the person in whom the property is vested, unless the transfer is in writing and unless and until express notice of the transfer is given to him, save where he is a party to the transfer; and every dealing by such debtor or person (not being a party to, or not having received express notice of, the transfer) with the debt or property shall be valid as against such transfer.

Exception.—Nothing in this section applies to the transfer of a marine or fire policy of insurance or to a mortgage effected by deposit of deeds or securities.

Explanation.—In this section the expression "any debt or any beneficial interest" includes any accruing, conditional or contingent debt or interest.

Illustrations.

(i) A owes money to B, who transfers the debt to C. B then demands the debt from A, who, having no notice of the transfer, pays B. The payment is valid, and C cannot sue A for the debt.

(ii) A effects a policy on his own life with an Insurance Company and assigns it by endorsement to a Bank in payment of a past debt. The Bank gives notice to the Insurance Company. If A dies, the Bank is entitled to receive the amount of the policy and to sue on it without the concurrence of A's executor.

"132. Every such notice shall be in writing, signed by the transferor or transferee, or by his agent in this behalf. [132.]

Notice to be in writing signed.

"133. On receipt of such notice, the transfer shall take effect, and all rights and remedies of the transferor shall vest in the transferee. [133.]

Debtor to give effect to transfer.

"134. The person to whom an actionable claim is transferred, shall take it subject to all the liabilities, defences and priorities to which the transferor was subject in respect thereof at the date of the transfer. [134.]

Liability of transferee of actionable claim.

Illustrations.

(i) A debenture is issued in fraud of a public company to A. A sells and transfers the debenture to B, who

has no notice of the fraud. The debenture is invalid in the hands of B.

(ii) A, the holder of a policy of insurance, assigns it to B for value. Before notice of the assignment is received, A has contracted a debt of Rs. 300 with the Insurance Company. The Company can set off this debt against the transferee.

[134.] "135. Where the transferor of a debt warrants the solvency of the debtor, the warranty, in the absence of a contract to the contrary, applies only to his solvency at the time of the transfer, and is limited, where the transfer is made for consideration, to the amount or value of such consideration.

[138.] "136. Where a debt is transferred for the purpose of securing an existing or future debt, the debt so transferred, if recovered by either the transferor or transferee, is applicable, first, in payment of the costs of such recovery; secondly, in or towards satisfaction of the amount for the time being secured by the transfer; and the residue, if any, belongs to the transferor.

[V of 1866, s. 15.] "137. Every assignee, by endorsement or other writing, of a policy of marine insurance or of a policy of insurance against fire, in whom the property in the subject insured shall be absolutely vested at the date of the assignment, shall have transferred and vested in him all rights of suit as if the contract contained in the policy had been made with himself.

[139.] "138. Nothing in the foregoing sections of this Chapter applies to stocks or shares or to instruments which are for the time being by law or custom negotiable, or to any mercantile document of title to goods.

[Cf. 52 & 53 Vict., c. 45, s. 1 (4), 56 & 57 Vict., c. 71, s. 62.] *Explanation.*—The expression "mercantile document of title to goods" includes a bill of lading, dock warrant, warehouse-keeper's certi-

ificate and delivery order, and any other document used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise, either by endorsement or by delivery, the possessor of the document to transfer or receive goods thereby represented.

"Restrictions on sale of actionable claims which are in controversy.

"139. (1) Where an actionable claim which is in controversy, is sold, he against whom it is made, is wholly discharged by paying to the buyer the price and incidental expenses of the sale, with interest on the price from the day that the buyer paid it.

(2) Nothing in sub-section (1) applies—

(a) where the sale is made to the co-heir to, or the co-proprietor of, the claim sold;

(b) where it is made to a creditor in payment of what is due to him;

(c) where it is made to the possessor of a property subject to the actionable claim;

(d) where the judgment of a competent Court has been delivered affirming the claim, or where the claim has been made clear by evidence and is ready for judgment.

"140. No Judge, legal practitioner, clerk, bailiff or other officer connected with Courts of Justice can buy any actionable claim which is in controversy and could be enforced by suit in the Court where he exercises his functions."

3. So much of the Policies of Insurance (Marine and Fire) Assignment Act, 1866, as is repealed, and so much of the Indian Short Titles Act, 1897, as relates thereto, are hereby re-

STATEMENT OF OBJECTS AND REASONS.

Chapter VIII of the Transfer of Property Act, 1882 (IV of 1882), aims at dealing comprehensively with the difficult question of the assignment of choses in action and includes an excursion into the law of champerty and maintenance. The attempt has not been altogether successful. Many difficulties in the construction and practical application of the Chapter have arisen; its provisions have been the subject of numerous and conflicting rulings of the various High Courts; and the necessity for legislation has been made clear. The present Bill has been drawn with the object of removing the defects which have, from time to time, been detected, and its details will be found fully explained in the annexed NOTES ON CLAUSES.

2. It has been suggested that a special provision on the subject of champerty and maintenance should be included in the Bill; but, if such legislation is to be undertaken, it

is thought that it should take the form of an amendment of the Indian Contract Act, 1872 (IX of 1872)—the addition, possibly, of an *Explanation* to section 23, which avoids contracts opposed to public policy.

The 12th July, 1899.

T. RALEIGH.

NOTES ON CLAUSES.

Clause 2 of Bill.

Proposed new section 130, Act IV of 1882.—Probably section 130, as it stands in the present Act, may be taken as a fair working definition of the term *chose in action* as used in English law. The obvious intention of the Act was to make all choses in action transferable as property, that is to say, transferable subject to the conditions and restrictions imposed by Chapter II, and particularly by sections 6, 7, 9 and 10. But, regard being had to recent differences of opinion, it is proposed to make the point clear by the addition of a second sub-section.

Proposed new sections 131 and 132.—Sections 131 and 132 of the existing Act are obviously founded upon section 25, clause (6), of the Supreme Court of Judicature Act, 1873 (36 & 37 Vict., c. 66); but successive amendments of the Bill while under consideration seem to have led to the reversal of each rule of the English law.

In the first place, the Indian section is negative in its terms, while the English section is positive. The result is that the former prescribes a compulsory form of transfer for the specific class of actionable claims to which it relates, whereas the latter merely provides that certain consequences shall follow if this form of transfer be adopted.

In the second place, the English section applies to all debts and other legal choses in action, but the Indian section applies only to debts and beneficial interests in moveable property. It is not clear what rule would apply in India to an actionable claim relating to both moveable and immoveable property; nor is there any specific provision as to actionable claims in respect of immoveable property. Further, it is not apparent why written notice to the debtor should not be required in the latter case. And, again, it is uncertain, on the construction of the section, whether the term "beneficial interest" is to cover a charge. The English section is confined to absolute assignments.

In the third place, the English enactment requires the transfer itself to be in writing; but the Indian Act is silent on the point, and, therefore, by virtue of section 9, the transfer need not be in writing.

In the fourth place, the English Act requires express notice in writing to be given to the debtor. The Indian Act provides for three alternatives—express notice, the fact that the debtor is aware of the transfer, or the fact that he is a party to the transfer. The Indian Act then curiously goes on to provide that, where express notice is given, it must be given by the transferor; whereas in practice, of course, notice is given by the transferee in order to complete his title. As to the last point, see *Ragho v. Narayan* (1895), L. L. R., 21 Bom., at p. 62.

It is thought best to legislate on the lines of the English Act so as to restore uniformity in the law of the two countries in so far as the same subject-matter is dealt with, and these new sections have been drafted with that object.

Proposed new section 133.—It is difficult to understand section 133 in its present form. The intention apparently was to adapt the English provision above referred to, which is to the effect that, on notice to the transferee, the transfer is effective "to pass and transfer the legal right to such debt or chose in action from the date of such notice, and all legal and other remedies for the same, and the power to give a good discharge for the same without the concurrence of the assignor". The reference to international law seems out of place in its present context, as municipal law is always construed subject to the provisions of international law, and the latter, if it is to be dealt with at all, should be dealt with separately, as in Chapter XVI of the Negotiable Instruments Act, 1881 (XXVI of 1881). The provision as now drafted will perhaps sufficiently reproduce the English law on the point, while avoiding any reference to the distinction between legal and equitable remedies.

Proposed new section 134.—The provisions of section 137 of the existing Act have been made general so as to apply to all actionable claims. The phrase "subject to all the liabilities" appears to have been adopted as the equivalent of the English phrase "subject to all equities entitled to priority over the right of the assignee", and, as it may be thought desirable to avoid the technical term "equities", the words "all the liabilities, defences and priorities" have now been used instead.

Proposed new section 136.—Section 138 of the present Act is here reproduced unaltered. It is of doubtful accuracy, but does not seem to have given rise to any difficulty.

Proposed new section 137.—This reproduces the only unrepealed section of the Policies of Insurance (Marine and Fire) Assignment Act, 1866 (V of 1866). Inasmuch as the provisions of that enactment constitute an exception to the rule laid down in section 131, they ought to find a place in this Chapter. The original section provided for the transfer of marine and fire policies "by endorsement or otherwise", which probably means "by endorsement or other like means", i.e., "by endorsement or other writing".

Proposed new section 138.—The present section 139 simply excepts negotiable instruments from the provisions of the Chapter. If the restrictions on the sale of actionable claims be confined to controverted claims, the only provisions that need be excepted are those of the proposed new sections 130 to 137. But, as regards those new sections, the exceptions contained in the present section 139 require considerable extension. In section 13 of the Negotiable Instruments Act, 1881, the definition of "negotiable instrument" includes only bills, notes and cheques, and does not include the ever increasing class of negotiable instruments which the usage of the money market recognizes as such—see *Chalmers on Bills of Exchange*, Ed. 5, pp. 312-327. So, again, a saving is required for mercantile documents of title to goods, such as bills of lading, etc., which form a class of quasi-negotiable instruments. The definition embodied in the *Explanation* is taken from the English Factors Act, 1889, and is adopted also in the English Sale of Goods Act, 1893.

Proposed new sections 139 and 140.—These provisions, which correspond with sections 135 and 136 of the present Act and owe their origin to the French and Canadian Codes, have given rise to much difficulty. It is, indeed, almost impossible to give effect to them without construing the expression "actionable claim" in a restricted sense. For example, where a business is transferred or converted into a company, the book-debts are sold in a lump, and, as these must consist of good, bad and doubtful debts, a lump sum has to be fixed, and it is impossible to say what has been paid in respect of each. It has been suggested that the provision should be confined—

- (1) to actionable claims, where the cause of action has matured (which would cover the case of all book-debts), or
- (2) to disputed actionable claims.

The latter seems to be the right suggestion, and it has been adopted in the Bill. The object is to prevent trafficking in actual or impending litigation, and probably the words "which is in controversy" will meet the object as far as it can be met.

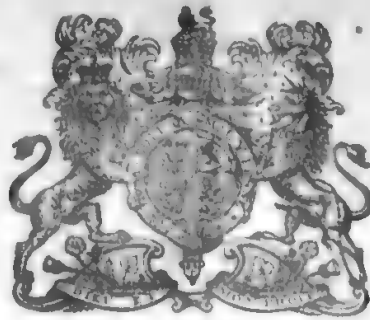
If the restriction be confined to the sale of actionable claims which are in controversy, there appears to be no reason why their transfer to a creditor should be allowed. Possibly the assignee of a bankrupt might be allowed to sell such a claim, but the policy of this is very doubtful. It is for consideration whether clause (b) of the present section 135 should not be omitted. The latter words of clause (d) of that section are not easily understood; for how can it be said that a claim has been made clear by evidence when judgment on it has not been given? This is a question which only the Court about to give judgment could answer, and these words should perhaps also be omitted.

In reproducing the present section 136, the words "legal practitioner" have been substituted for the words "pleader, mukhtar". The provision ought clearly to apply to all legal practitioners alike.

Clause 3 of Bill.

This repealing clause is consequential on the reproduction in the proposed new section 137, as explained above, of so much of Act V of 1866 as is extant in the Statute-book.

J. M. MACPHERSON,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 29, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th July, 1899:

NO. 15 OF 1899.

A Bill to consolidate the law relating to Prisoners confined by order of a Court.

WHEREAS it is expedient to consolidate the law relating to prisoners confined by order of a Court; It is hereby enacted as follows:

PART I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Prisoners Act, 1899.

(2) It extends to the whole of British India, inclusive of British Baluchistan, the Santal Parganas and the Pargana of Spiti; and

(3) It shall come into force at once.

[New.]

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Court" includes a Coroner and any officer lawfully exercising civil, criminal or revenue jurisdiction; and

(b) "prison" includes any place which has been declared by the Local Government, by general or special order, to be a subsidiary jail.

See IX of 1894, s. 3 (2) [N.]

PART II.

GENERAL.

3. The officer in charge of a prison shall [V of 1871, s. 5.]

Officers in charge of prisons to detain persons duly committed to their custody. receive and detain all persons duly committed to his custody, under this Act or otherwise, by any Court,

according to the exigency of any writ, warrant, or order by which such person has been committed, or until such person is discharged or removed in due course of law.

4. The officer in charge of a prison shall [Ibid, s. 6.]

Officers in charge of prisons to return writs, etc., after execution or discharge. forthwith, after the execution of every such writ, order or warrant as aforesaid other than a warrant of commitment for trial,

or after the discharge of the person committed thereby, return such writ, order or warrant to the Court by which the same was issued or made, together with a certificate, endorsed thereon and signed by him, showing how the same has been executed, or why the person committed thereby has been discharged from custody before the execution thereof.

PART III.

PRISONERS IN THE PRESIDENCY-TOWNS.

5. Every writ or warrant for the arrest of [Ibid, s. 3.]

Warrants, etc., to be directed to Police-officers. any person issued by the High Court in the exercise of its ordinary, extraordinary or other criminal jurisdiction shall be directed to and executed by a Police-officer within the local limits of such jurisdiction.

- [*Ibid.*, s. 4.] 6. The Local Government may appoint officers who shall have authority to receive and detain prisoners committed to their custody under this Part.

Power for Local Governments to appoint Superintendents of Presidency prisons.

Explanation.—Any officer so appointed, by whatever designation he may be styled, is hereinafter referred to as "the Superintendent."

- [*Ibid.*, s. 7.] 7. Where any person is sentenced by the

Delivery of persons sentenced to imprisonment or death by High Court.

High Court in the exercise of its original criminal jurisdiction to imprisonment or to death, the Court shall cause him to be delivered to the Superintendent together with its warrant, and such warrant shall be executed by the Superintendent and returned by him to the High Court when executed.

- [*Ibid.*, s. 8.] 8. Where any person is sentenced by the

Delivery of persons sentenced to transportation or penal servitude by High Court.

High Court in the exercise of its original criminal jurisdiction to transportation or penal servitude, the Court shall cause him to be delivered for intermediate custody to the Superintendent, and the transportation or penal servitude of such person shall be deemed to commence from such delivery.

- [*Ibid.*, s. 10.] 9. Where any person is committed by the

Delivery of persons committed by High Court in execution of a decree or for contempt.

High Court, whether in execution of a decree or for contempt of Court or for any other cause, the Court shall cause him to be delivered to the Superintendent, together with its warrant of commitment.

- [*Ibid.*, s. 11.] 10. Where any person is sentenced by a Presidency Magistrate to imprisonment, or is committed

Delivery of persons sentenced by Presidency Magistrates.

to prison for failure to find security to keep the peace or to be of good behaviour, the Magistrate shall cause him to be delivered to the Superintendent, together with his warrant.

- [*Ibid.*, s. 12.] 11. Every person committed by a Magistrate,

Delivery of persons committed for trial by High Court.

Justice of the Peace, or Coroner for trial by the High Court in the exercise of its original criminal jurisdiction shall be delivered to the Superintendent, together with a warrant of commitment, directing the Superintendent to produce such person before the Court for trial; and the Superintendent shall, as soon as practicable, cause such person to be taken before the Court at a criminal session thereof, together with the warrant of commitment, in order that he may be dealt with according to law.

- [*Ibid.*, s. 13.] 12. The High Court may, pending the hearing,

Custody pending hearing by High Court under section 350 of the Code of Civil Procedure of application for insolvency.

under section 350 of the Code of Civil Procedure, of any application for a declaration of insolvency, cause the judgment-debtor concerned to be delivered to the Superintendent, subject to the provisions as to release on security of section 349 of the said Code, and the Superintendent shall detain the said

judgment-debtor in safe custody until he is re-delivered to an officer of the High Court for the purpose of being taken before it in pursuance of its order, or until he is released in due course of law.

13. (1) Every person arrested in pursuance of a writ, warrant or order of the High Court in the exercise of its original civil jurisdiction, or in pursuance of a warrant of any Civil Court established in a Presidency-town under any law or enactment for the time being in force, or in pursuance of a warrant issued under section 5, shall be brought without delay before the Court by which, or by a Judge of which, the writ, warrant or order was issued, awarded or made, or before a Judge thereof, if the said Court, or a Judge thereof, is then sitting for the exercise of original jurisdiction.

Delivery of persons arrested in pursuance of warrant of High Court or Civil Court in Presidency-town.

(2) If the said Court, or a Judge thereof, is not then sitting for the exercise of original jurisdiction, such person arrested as aforesaid shall, unless a Judge of the said Court otherwise directs, be delivered to the Superintendent for intermediate custody, and shall be brought before the said Court, or a Judge thereof, at the next sitting of the said Court, or of a Judge thereof, for the exercise of original jurisdiction in order that such person may be dealt with according to law; and the said Court or Judge shall have power to make or award all necessary orders or warrants for that purpose.

PART IV.

PRISONERS OUTSIDE THE PRESIDENCY-TOWNS.

14. In this Part all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein.

References in this Part to prisons, etc., to be construed as referring also to Reformatory Schools.

15. (1) Officers in charge of prisons outside the Presidency-towns may give effect to any sentence or order or warrant for the detention of any person passed or issued by any Court or tribunal acting, whether within or without British India, under the general or special authority of Her Majesty or of the Governor General in Council or of any Local Government, or, with the previous sanction of the Governor General in Council in each case, to any sentence or order or warrant for the detention of any person passed or issued by any Court or tribunal of any Native Prince or State in India.

(2) Where a Court or tribunal of such a Native Prince or State has passed a sentence which cannot be executed without the concurrence of an officer of the British Government, and such sentence has been judicially considered on the merits and confirmed by any such officer specially authorised in that behalf such sentence, and any order or warrant issued in pursuance thereof, shall be deemed to be the sentence, order or warrant of a Court or tribunal acting under the authority of the Governor General in Council.

17.] 16. A warrant under the official signature of an officer of such Court or tribunal as is referred to in section 15 shall be sufficient authority for holding any person in confinement, or for sending any person for transportation, in pursuance of the sentence passed upon him.

18.] 17. (1) Where an officer in charge of a prison doubts the legality of a warrant or order sent to him for execution under this Part, of the competency of the person whose official seal and signature are affixed thereto to pass the sentence and issue the warrant or order, he shall refer the matter to the Local Government, by whose order on the case he and all other public officers shall be guided as to the future disposal of the prisoner.

(2) Pending a reference made under subsection (1), the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant or order.

19.] 18. The Governor General in Council or the Local Government may, by general or special order, authorize the reception, detention or imprisonment in any place in British India, or in any place under such Government, as the case may be, for any period not exceeding the periods specified in their respective sentences, of persons sentenced within the territories of any Native Prince or State in India to imprisonment or transportation, for any act which would, if done in British India, have constituted—

- (a) an offence under any of the sections or Chapters of the Indian Penal Code specified in the first schedule, or
- (b) an attempt to commit any such offence as aforesaid, or
- (c) abetment of the commission of any such offence as aforesaid, or
- (d) any other offence which the Governor General in Council may, by notification in the Gazette of India, specify in this behalf:

Provided that such sentences have been pronounced after trial before a tribunal of which the presiding Judge, or, if the Court consisted of more than one Judge, at least one of such Judges, was an officer of the British Government authorized to act as such Judge by the Native Prince or State or by the Governor General in Council.

20.] 19. The officer of the British Government so authorized as aforesaid shall forward with every prisoner a certificate of his conviction, and a copy of the proceedings held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment or transportation is carried into effect.

20. (1) Where a British Court, exercising, in or with respect to territory beyond the limits of British India, jurisdiction which the Governor General in Council has in such territory,—

- (a) has sentenced any person to death, and,
- (b) being of opinion that such sentence should, by reason of there being in such territory no secure place for the confinement of such person or no suitable appliances for his execution in a decent and humane manner, be executed in British India, has issued its warrant for the execution of such sentence to the officer in charge of a prison in British India,

such officer shall, on receipt of the warrant, cause the execution to be carried out at such place as may be prescribed therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Code of Criminal Procedure, 1898.

(2) The prisons of which the officers in charge are to execute sentences under any such warrants as aforesaid shall be such as the Governor General in Council or a Local Government authorized by the Governor General in Council in this behalf may, by general or special order, direct.

(3) Every such tribunal as is referred to in the proviso to section 18 shall be deemed to be a British Court for the purposes of this section:

Provided that every warrant issued under this section by any such tribunal shall, if the tribunal consists of more than one Judge, be signed by a Judge who is an officer of the British Government authorized in the manner provided by the said section.

PART V.

PERSONS UNDER SENTENCE OF PENAL SERVITUDE.

21. (1) Every person under sentence of penal servitude may be confined in such prison within British India as the Governor General in Council, by general order, directs, and may, during such time, be kept to hard labour and, until he can conveniently be removed to such prison, be imprisoned, with or without hard labour, and dealt with in all other respects as persons under sentence of rigorous imprisonment may, for the time being, by law be dealt with.

(2) The time of such intermediate imprisonment, and the time of removal from one prison to another, shall be taken and reckoned in discharge or part discharge of the term of the sentence.

22. Every enactment now in force in British India with respect to persons under sentence of transportation, or under sentence of imprisonment with hard labour, shall, so far as is consistent with this Act, be construed to apply to persons under sentence of penal servitude.

[*Ibid.*, s. 23.] 23. (1) The Governor General in Council may

Power to grant license to person sentenced to penal servitude.

grant to any person under sentence of penal servitude a license to be at large within British India or in such part thereof as is in such license expressed, during such portion of his term of penal servitude and upon such conditions as the Governor General in Council may think fit.

(2) The Governor General in Council may revoke or alter any license granted under sub-section (1).

[*Ibid.*, s. 24.] 24. So long as any license granted under section 23, sub-section (1),

Licensee to be allowed to go at large.

continues in force and unrevoked, the licensee shall not be liable to imprisonment or penal servitude by reason of his sentence, but shall be allowed to go and remain at large according to the terms of the license.

[*Ibid.*, s. 25.] 25. In case of the revocation of any such

Apprehension of convict where license revoked.

license as aforesaid, any Secretary to the Government of India may, by order in writing, signify to any Justice of the Peace or Magistrate that the license has been revoked, and require him to issue a warrant for the arrest of the licensee, and such Justice or Magistrate shall issue his warrant accordingly.

[*Ibid.*, s. 26.] 26. A warrant issued under section 25 may

Execution of warrant.

be executed by any officer to whom it is directed or delivered for that purpose in any part of British India, and shall have the same force in any place within British India as if it had been originally issued or subsequently endorsed by the Justice of the Peace or Magistrate or other authority having jurisdiction in the place where it is executed.

[*Ibid.*, s. 27.] 27. (1) When the licensee, for whose arrest

Licensee when arrested to be brought up for recommitment.

a warrant has been issued under section 25, is arrested thereunder, he shall be brought, as soon as conveniently may be, before the Justice or Magistrate by whom the warrant was issued, or before some other Justice or Magistrate of the same place, or before a Justice or Magistrate having jurisdiction in the district in which the licensee has been arrested.

(2) Such Justice or Magistrate as aforesaid shall thereupon make out a warrant under his hand and seal for the recommitment of the licensee to the prison from which he was released under the license.

[*Ibid.*, s. 28.] 28. When a warrant has been issued under

Recommitment.

section 27, sub-section (2), the licensee shall be re-committed accordingly, and shall thereupon be liable to be kept in penal servitude for such further term as, with the time during which he may have been imprisoned under the original sentence and the time during which he may have been at large under an unrevoked license, is equal to the term mentioned in the original sentence.

[*Ibid.*, s. 29.] 29. If a license is granted under section 23

Penalty for breach of condition of the license.

upon any condition specified therein, and the licensee—

(a) violates any condition so specified, or

(b) goes beyond the limits so specified, or

(c) knowing of the revocation of the license, neglects forthwith to surrender himself, or conceals himself, or endeavours to avoid arrest,

he shall be liable upon conviction to be sentenced to penal servitude for a term not exceeding the full term of penal servitude mentioned in the original sentence.

PART VI.

REMOVAL OF PRISONERS.

30. In this Part, all references to prisons or

References in this Part to prisons, etc., to be construed as referring also to Reformatory Schools.

to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein. [*Ibid.*, s. 1894, s. 1.]

31. Where any

Removal of prisoners from one prison to another in the same Province.

person is, or has been, sentenced to imprisonment or transportation by any Court, or, in default of giving security for keeping the peace or maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1898, the Local Government or (subject to its orders and under its control) the Inspector General of Prisons may order his removal during the period for which he has been sentenced to imprisonment or transportation or the security has been ordered to be given, as the case may be, from the prison in which he is confined to any other prison within the Province. [*Ibid.*, s. 1894, s. 1.]

32. (1) Where it appears to the Local Gov-

Lunatic prisoners how to be dealt with.

ernment that any person detained or imprisoned under any order or sentence of any Court is of unsound mind, the Local Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a lunatic asylum or other place of safe custody within the Province, there to be kept and treated as the Local Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law. [*Ibid.*, s. 1896, s. 1.]

(2) Where it appears to the Local Government that the prisoner has become of sound mind, the Local Government shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within the Province, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3) The provisions of section 9 of the Lunatic Asylums Act, 1858, shall apply to every person confined in a lunatic asylum under sub-section 1858.

(1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a

prisoner is confined in a lunatic asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo.

(4) In any case in which a Local Government is competent under sub-section (4) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the Province, the Governor General in Council may order his removal to any lunatic asylum or other place of safe custody in any part of British India; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed by order of a Local Government shall, so far as they can be made applicable, apply to a prisoner removed by order of the Governor General in Council.

33. When any person is or has been sentenced to imprisonment or transportation by any Court, or, in default of giving security for maintaining good behaviour, has been committed to or is detained in prison under section 123 of the Code of Criminal Procedure, 1898, the Governor General in Council may order his removal during the period for which he has been sentenced to imprisonment or transportation or the security has been ordered to be given, as the case may be, from the prison in which he is confined to any other prison in British India.

PART VII.

PERSONS UNDER SENTENCE OF TRANSPORTATION.

34. The Governor General in Council may appoint places within British India to which persons under sentence of transportation and removal thereto. Government, or some officer duly authorized in this behalf by the Local Government, shall give orders for the removal of such persons to the places so appointed, except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence.

PART VIII.

DISCHARGE OF PRISONERS.

35. Any Court established under the Indian High Courts Act, 1861, may, in any case in which it has recommended to Her Majesty the granting of a free pardon to any prisoner, permit him to be at liberty on his own recognizance.

PART IX.

PROVISIONS FOR REQUIRING THE ATTENDANCE OF PRISONERS AND OBTAINING THEIR EVIDENCE.

Attendance of Prisoners in Court.

36. In this Part, all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein.

37. Subject to the provisions of section 41, any Civil Court may, if it thinks that the evidence of any person confined in any prison within the local limits of its appellate jurisdiction, if it is a High Court, or, if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter pending before it, make an order in the form set forth in the second schedule, directed to the officer in charge of the prison.

38. (1) Where an order under section 37 is made in any civil matter pending—
District Judge in certain cases to countersign orders made under section 37.

- (a) in a Court subordinate to the District Judge, or
- (b) in a Court of Small Causes outside a Presidency-town,

it shall not be forwarded to the officer to whom it is directed, or acted upon by him, until it has been submitted to, and countersigned by—

- (i) the District Judge to which the Court is subordinate, or
- (ii) the District Judge within the local limits of whose jurisdiction the Court of Small Causes is situate.

(2) Every order submitted to the District Judge under sub-section (1) shall be accompanied by a statement, under the hand of the Judge of the subordinate Court or Court of Small Causes, as the case may be, of the facts which in his opinion render the order necessary, and the District Judge may, after considering such statement, decline to countersign the order.

39. Subject to the provisions of section 41, any Criminal Court not inferior to the Court of a Magistrate of the first class, may, if it thinks that the evidence of any person confined in any prison within the local limits of its appellate jurisdiction, if it is a High Court, or, if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter pending before it, or, if a charge of an offence against such person is made or pending, make an order in the form set forth in the second or third schedule, as the case may be, directed to the officer in charge of the prison.

[*Ibid.*, s. 6.] 40. Where any person, for whose attendance

Order to be transmitted through Magistrate of the district or subdivision in which person is confined.

an order as in this Part provided is made, is confined in any district other than that in which the Court making or countersigning the order is situate, the order shall be sent by the Court by which it is made or countersigned, to the District or Subdivisional Magistrate within the local limits of whose jurisdiction the person is confined, and that Magistrate shall cause it to be delivered to the officer in charge of the prison in which the person is confined.

[*Ibid.*, s. 7, first and second paragraphs.]

41. (1) Where a person is confined in a prison within a Presidency-town, or in a prison more than one hundred miles distant from the place where any Court, subordinate to a High Court, in which his evidence is required, is held, the Judge or presiding officer of the Court in which the evidence is so required, shall, if he thinks that such person should be removed under this Part for the purpose of giving evidence in such Court, and if the prison is within the local limits of the appellate jurisdiction of the High Court to which such Court is subordinate, apply in writing to the High Court, and the High Court may, if it thinks fit, make an order in the form set forth in the second schedule, directed to the officer in charge of the prison.

(2) The High Court making an order under sub-section (1) shall send it to the District or Subdivisional Magistrate within the local limits of whose jurisdiction the person named therein is confined, and that Magistrate shall cause it to be delivered to the officer in charge of the prison in which the person is confined.

[*Ibid.*, s. 8, first paragraph.]

42. Where a person is confined in a prison beyond the local limits of the appellate jurisdiction of a High Court, any Judge of such Court may, if he thinks that such person should be removed under this Part for the purpose of giving evidence in any criminal matter in such Court or in any Court subordinate thereto, apply in writing to the Local Government of the territories within which the prison is situate, and the Local Government may if it thinks fit, direct that the person be so removed, subject to such rules regulating the escort of prisoners as the Governor General in Council may prescribe.

[*Ibid.*, s. 9.]

43. Upon delivery of any order under this Part to the officer in charge of the prison in which the person named therein is confined, that officer shall cause him to be taken to the Court in which his attendance is required, so as to be present in the Court at the time in such order mentioned, and shall cause him to be detained in custody in or near the Court until he has been examined or until the Judge or presiding officer of the Court authorizes him to be taken back to the prison in which he was confined.

44. The Governor General in Council or the Local Government may, by notification in the Gazette of India or the local official Gazette, as the case may be, direct that any person or any class of persons shall not be removed from the prison in which he or they may be confined; and thereupon, and so long as such notification remains in force, the provisions of this Part, other than those contained in sections 46 to 48, shall not apply to such person or class of persons.

Officer in charge of prison when to abstain from carrying out orders.

45. In any of the following cases, that is to say,—

- (a) where the person named in any order made under section 37, section 39 or section 41 appears to be, from sickness or other infirmity, unfit to be removed, the officer in charge of the prison in which he is confined, shall apply to the District or Subdivisional Magistrate within the local limits of whose jurisdiction the prison is situate, and if such Magistrate by writing under his hand, declares himself to be of opinion that the person named in the order is, from sickness or other infirmity, unfit to be removed; or
- (b) where the person named in any such order is under committal for trial; or
- (c) where the person named in any such order is under a remand pending trial or pending a preliminary investigation; or
- (d) where the person named in any such order is in custody for a period which would expire before the expiration of the time required for removing him under this Part and for taking him back to the prison in which he is confined;

the officer in charge of the prison shall abstain from carrying out the order, and shall send to the Court, from which the order has been issued, a statement of the reason for so abstaining:

Provided that such officer as aforesaid shall not so abstain where—

- (i) the order has been made under section 37; and
- (ii) the person named in the order is confined under committal for trial, or under a remand pending trial or pending a preliminary investigation, and does not appear to be, from sickness or other infirmity, unfit to be removed; and
- (iii) the place, where the evidence of the person named in the order is required, is not more than five miles distant from the prison in which he is confined.

Commissions for Examination of Prisoners.

46. In any of the following cases, that is to say,—

- (a) where it appears to any Civil Court that the evidence of a person confined in any prison within the local limits of the appellate jurisdiction of

such Court, if it is a High Court, or if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, who, for any of the causes mentioned in section 44 or section 45, cannot be removed, is material in any matter pending before it; or

(b) where it appears to any such Court as aforesaid that the evidence of a person confined in any prison so situate and more than ten miles distant from the place at which such Court is held, is material in any such matter; or

(c) where the District Judge declines, under section 38, to countersign an order for removal;

the Court may, if it thinks fit, issue a commission, under the provisions of the Code of Civil Procedure, for the examination of the person in the prison in which he is confined.

[IV of 1882.]

[Ibid, s. 13.]

47. Where it appears to a High Court that the evidence of a person confined in a prison beyond the local limits of its appellate jurisdiction is material in any civil matter pending before it or before any Court subordinate to it, the High Court may, if it thinks fit, issue a commission, under the provisions of the Code of Civil Procedure, for the examination of the person in the prison in which he is confined.

[IV of 1882.]

[Ibid, s. 14.]

48. Every commission for the examination of a person issued under section 46 or section 47 shall be directed to the District Judge within the local limits of whose jurisdiction the prison in which the person is confined is situate, and the District Judge shall commit the execution of the commission to the officer in charge of the prison, or to such other person as he may think fit.

Service of Process on Prisoners.

[Ibid, s. 15.]

partially

repealed by

[of 1877.]

49. When any process directed to any person confined in any prison is issued from any Criminal or Revenue Court, it may be served by exhibiting to the officer in charge of the prison the original of the process and depositing with him a copy thereof.

[Ibid, s. 16.]

50. (1) Every officer in charge of a prison upon whom service is made under section 49 shall, as soon as may be, cause the copy of the process deposited with him to be shown and explained to the person to whom it is directed, and shall thereupon endorse upon the process and sign a certificate to the effect that such person as aforesaid is confined in the prison under his charge and has been shown and had explained to him a copy of the process.

(2) Such certificate as aforesaid shall be *prima facie* evidence of the service of the

process, and, if the person to whom the process is directed, requests that the copy shown and explained to him be sent to any other person and provides the cost of sending it by post, the officer in charge of the prison shall cause it to be so sent.

Miscellaneous.

51. (1) For the purposes of this Part the [Ibid, s. 2.] Application of Part Courts of Small Causes established in the Presidency-towns and the Courts of Presidency Magistrates shall be deemed to be subordinate to the High Court of Judicature at Fort William, Madras or Bombay, as the case may be.

(2) For the purposes of this Part, every [Ibid, s. 7.] prison in Lower Burma shall be deemed to be third para- within the local limits of the appellate jurisdic- graph. as substituted by XI of 1889, s. 98.] Recorder of Rangoon may issue orders under section 37 or section 39, and may issue a commission under sections 46 to 48 for the examination of any person confined in any prison in Lower Burma.

(3) To obtain the removal of a person con- [Ibid, s. 8.] fined in a prison outside Lower Burma for the second para- purpose of giving evidence in any criminal graph, as substituted by XI of 1889, s. 98.] matter in any Court within the local limits of the ordinary civil jurisdiction of the Recorder of Rangoon, the Recorder shall have the power conferred on a Judge of a High Court by section 42, and the other provisions of that section shall, as far as they can be made applicable, apply.

52. No order in any civil matter shall be [Ibid, s. 17.] made by a Court under Deposit of costs. any of the provisions of this Part until the amount of the costs and charges of the execution of such order (to be determined by the Court) is deposited in such Court:

Provided that, if upon any application for such order it appears to the Court to which the application is made, that the applicant has not sufficient means to meet the said costs and charges, the Court may pay the same out of any fund applicable to the contingent expenses of such Court, and every sum so expended may be recovered by the Government from any person ordered by the Court to pay the same, as if it were costs in a suit recoverable under the Code of Civil Procedure.

XIV of 1882.

53. (1) The Local Government, and in cases [Ibid, s. 18.] Power to make rules arising under section 42, under this Part. the Governor General in Council, may make rules—

(a) for regulating the escort of prisoners to and from Courts in which their attendance is required;

(b) for regulating the amount to be allowed for the costs and charges of such escort; and

(c) for the guidance of officers in all other matters connected with the enforcement of this Part.

[*Ibid.*, s. 19.] (2) All rules made under sub-section (1) shall be published in the local official Gazette or the Gazette of India, as the case may be, and shall, from the date of such publication, have the same force as if enacted by this Act.

[*Ibid.*, s. 20.] 54. The Local Government may declare what Power to declare officer shall, for the purposes of this Part, be deemed to be the officer in charge of a prison.

[New.] 55. The enactments mentioned in the fourth schedule are hereby repealed to the extent specified in the last column thereof.

THE FIRST SCHEDULE.

(See section 18.)

Section or Chapter of Indian Penal Code.	Description of Offence.
XLV of 1860.	
Section 206 . . .	Fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution.
" 208 . . .	Fraudulently suffering decree for sum not due.
" 224 . . .	Resistance or obstruction by a person to his lawful apprehension.
Chapter XII . . .	Offences relating to coin and Government stamps.
Sections 302 to 304 . . .	Murder and culpable homicide.
" 305 and 306 . . .	Abetment of suicide.
Section 311 . . .	Being a thug.
Sections 312 to 316 . . .	Causing miscarriage.
Section 317 . . .	Exposure and abandonment of child.
Sections 323 to 333 . . .	Voluntarily causing hurt.
Section 347 . . .	Wrongful confinement to extort property or constrain to illegal act.
" 348 . . .	Wrongful confinement to extort confession or compel restoration of property.
Sections 363 to 369 . . .	Kidnapping and abduction.
" 370 and 371 . . .	Buying or disposing of any person as a slave and habitually dealing in slaves.
" 372 and 373 . . .	Buying and selling of minor for purposes of prostitution.
Section 376 . . .	Rape.
" 377 . . .	Unnatural offences.
Sections 379 to 382 . . .	Theft.
" 384 to 389 . . .	Extortion.
" 392 and 394 to 402 . . .	Robbery and dacoity.
" 403 and 404 . . .	Criminal misappropriation of property.
" 406 to 409 . . .	Criminal breach of trust.
" 411 to 414 . . .	Receiving stolen property.
" 435 and 436 . . .	Mischief by fire or explosive substance.
" 437 and 438 . . .	Mischief with intent to destroy or make unsafe decked vessel or one of twenty tons burden.
Section 439 . . .	Intentionally running vessel aground or ashore with intent to commit theft, etc.
" 440 . . .	Mischief after preparation for causing death or hurt.
" 453 . . .	Lurking house-trespass and house-breaking.
" 456 . . .	Lurking house-trespass and house-breaking by night.
Sections 465 to 469 . . .	Forgery.
Section 471 . . .	Using as genuine a forged document.
Sections 472 to 476 . . .	Counterfeiting seals and devices of marks used for authenticating documents.
Section 477 . . .	Fraudulent cancellation, destruction, etc., of will, authority to adopt or valuable security.

THE SECOND SCHEDULE.

(See sections 37 and 39.)

Court of
To the officer in charge of the (state name of prison).
You are hereby required to produce now a prisoner in , under safe and sure conduct before the Court of at on the day of next by of the clock in the forenoon of the said day, there to give evidence in a matter now pending before the said Court, and after the said has then and there given his evidence before the said Court or the said Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the prison.

The day of
A. B.
(Countersigned) C. D.

THE THIRD SCHEDULE.

(See section 39.)

Court of
To the officer in charge of the (state name of prison).
You are hereby required to produce now a prisoner in , under safe and sure conduct before the Court of at on the day of next by of the clock in the forenoon of the same day, there to answer a charge now pending before the said Court, and after such charge has been disposed of or the said Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the said prison.
The day of
A. B.

THE FOURTH SCHEDULE.

(See section 55.)

Year.	No.	Title.	Extent of repeal.
1869	XV	The Prisoners' Testimony Act, 1869.	The whole Act.
1871	V	The Prisoners Act, 1871.	The whole Act, except section 15.
1882	IX	The Prisoners Act Amendment Act, 1882.	The whole Act.
1886	X	The Indian Criminal Law Amendment Act, 1886.	Section 25.
1889	XI	The Lower Burma Courts Act, 1889.	Section 98.
1891	XII	The Repealing and Amending Act, 1891.	So much as relates to Act V of 1871.
1893	V	The Foreign Jurisdiction (Capital Sentences) Act, 1893.	The whole Act.
1894	VII	The Prisoners Act (1871) Amendment Act, 1894.	The whole Act.
1897	VIII	The Reformatory Schools Act, 1897.	Section 30.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is merely to consolidate the several Acts relating to prisoners confined by order of a Court which are now to be found in different parts of the Statute-book, and so to replace a number of separate enactments by a single Act, expressed more simply and intelligibly. Only a few explanatory remarks seem to be called for, and these will be found in the *Notes on Clauses* annexed.

The 27th June, 1899.

T. RALEIGH.

Notes on Clauses.

The first seven Parts reproduce Act V of 1871 and the Acts relating to the confinement of prisoners, and the remaining Part contains the provisions of Act XV of 1869 which deal with the production of prisoners in Court for the purpose of giving evidence and the service of process upon them while in confinement.

Clause 2.—Act V of 1871 refers somewhat indiscriminately to “prisons” and “jails”. The former word has been adhered to throughout the Bill.

Clause 18.—The wording of section 19 of Act V of 1871 is somewhat equivocal, and doubts have in practice been felt as to whether it requires a special order in the case of each prisoner. The necessity for this is not apparent, and the opportunity has been taken to remove all doubt on the point by making it clear that a general order is admissible.

The original section has, it will be observed, been considerably shortened and, it is thought, simplified. All the offences specifically described in the earlier part of the section are covered by the sections mentioned in the schedule to the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), to which reference is made in a later part of it, and this tautology has been avoided in the Bill. It is believed that, with one exception, the clause now proposed exactly reproduces the law contained in the old section. The exception consists in the circumstance that, while section 19 refers to the abetment of suicide by burning or burying alive only, clause 18 of the Bill, read with the first schedule, refers instead to sections 305 and 306 of the Indian Penal Code, *i.e.*, to the abetment of suicide in any form.

Section 34 of Act V of 1871, giving power to make rules as to convicts, has not been reproduced, as power has been already taken in the Prisons Act, 1894 (IX of 1894), to make rules providing for all matters referred to in that section.

Clause 44.—The reference to “the Gazette” in section 10 of Act XV of 1869 has here been amplified. Where the Government of India is concerned, it is the Gazette of India that should be alluded to; where a Local Government, the local official Gazette.

Clause 53.—It is altogether supererogatory to declare, as does section 19 of Act XV of 1869, that rules made thereunder “shall be deemed to have the force of law.” The language has, therefore, here been altered so as to provide that all rules duly made under the proposed Act “shall have the same force as if enacted” thereby. The effect of the provision so expressed will be apparent if the decision of the House of Lords in *Institute of Patent Agents v. Lockwood* (1894), L. R. App. Cas. 347, be referred to.

J. M. MACPHERSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th July, 1899:

NO. 16 OF 1899.

NOTE.—The marginal references are, unless another intention is indicated, to the sections of Act XVII of 1885. The italics indicate the amendments proposed.

A Bill to consolidate and amend the law relating to the Court of Wards in the Central Provinces.

WHEREAS it is expedient to consolidate and amend the law relating to the Court of Wards in the Central Provinces; It is hereby enacted as follows:

Preliminary.

1. (1) This Act may be called the Central Short title, extent Provinces *Court of Wards* and commencement. Act, 1899.

(2) It extends to the territories for the time being administered by the *Local Government* of the Central Provinces; and

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) the expression "Government ward" means any person of whose property, or of whose person and property, the Court of Wards may, for the time being, have the superintendence under this Act:

(b) "land" includes the rights of a land-holder in respect of the land of which he is the *mālguzār* or *zamīndār* or

the *muāfidār*, *jagīrdār*, *ubāridār* or other assignee of land-revenue, or in which he is interested: and

(c) "land-holder" means a *mālguzār* as defined in the Central Provinces Land-revenue Act, 1881, and the *zamīndār* XVIII of any *zamīndārī* in a Scheduled District, and includes a *muāfidār*, *jagīrdār*, *ubāridār* or other assignee of land-revenue, and any person not hereinbefore specified who is interested in land and belongs to a class of which the Local Government, with the previous sanction of the Governor General in Council, has declared the members to be land-holders for the purposes of this Act.

3. Subject to the provisions of section 9, the Commissioner shall be the Court of Wards for the limits of his division. [4.]

4. The Court of Wards may, with the previous sanction of the Local Government, assume the superintendence of the property of any land-holder owning land within the local limits of its jurisdiction who is disqualified to manage his property. [6.]

5. (1) The following persons shall, for the purposes of section 4, be deemed to be disqualified to manage their own property, namely: [7.]

(a) minors who have not guardians appointed for their property by will;

(b) persons adjudged by a competent Civil Court to be of unsound mind and incapable of managing their affairs; and

(c) persons declared by the Local Government to be incapable of managing their property owing to—

(i) any physical or mental defect or infirmity;

- (ii) their having been convicted of a non-bailable offence and being unfitted by vice or bad character; or
- (iii) their being females.

(2) No suit shall be brought in any Civil Court in respect of any declaration made by the Local Government under sub-section (1), clause (c).

[New.]

6. (1) Any person may apply to the Local Government to have his property placed under the superintendence of the Court of Wards, and the Local Government may on such application, if it thinks it expedient in the public interests, order the Court of Wards to assume the superintendence of the property.

(2) An order made by the Local Government under sub-section (1) shall be sufficient to authorize the Court of Wards to assume the superintendence of the property referred to therein, and no suit shall be brought in any Civil Court in respect of any such order.

[New.]

7. Whenever the Court of Wards receives information that any land-holder has died and has reason to believe that the heir of the land-holder is a person who is, or should be adjudged or declared to be, disqualified under section 5, the Court may—

- (a) take such steps and make such order for the temporary custody and protection of the property inherited as it thinks fit; and,
- (b) if the heir is a minor, direct that the person (if any) having the custody of the minor, shall produce him or cause him to be produced at such place and time and before such person as the Court may appoint, and make such order for the temporary custody and protection of the minor as it thinks fit:

Provided that, where the minor is a female and belongs to a class the females of which do not usually appear in public, her production shall be required, only in accordance with the manners and customs of the country.

(2) Whenever the Court of Wards proceeds under this section, it shall forthwith report its action for the information of the Local Government.

[8.]

8. Where the Court of Wards assumes the superintendence of the property of a minor who has not a guardian appointed for his person by will, or of a person who has been adjudged by a competent Civil Court to be of unsound mind and incapable of managing his affairs, it may, with the previous sanction of the Local Government, assume the superintendence of his person also:

Provided that nothing in this section shall authorize the Court of Wards to assume the superintendence of the person of a female who

is married to a man of full age and is in his custody.

9. Where a land-holder owns land within two or more divisions, such one only of the Courts of Wards as the Local Government may determine in this behalf shall assume the superintendence of the property, or of the person and property, of the land-holder.

10. (1) Whenever the Court of Wards assumes the superintendence of the property of any person under this Act, the fact of such assumption, and the date on which it was sanctioned by the Local Government, shall be notified in the local official Gazette.

(2) On and with effect from the date of such sanction, the whole of the property, moveable and immoveable, of such person, whether the existence of any such property may be known to the said Court or not, shall be deemed to be under the superintendence of the Court of Wards.

(3) Any property which the Government ward may inherit or otherwise acquire subsequently to the date of such sanction, shall also be deemed to be under the superintendence of the Court of Wards.

11. No suit shall be brought in any Civil Court to contest the authority of the Court of Wards in respect of the property, or of the person and property, of any person under this Act on the ground that such person was not or is not a land-holder or a minor.

12. (1) On the issue of a notification under section 10, the Court of Wards shall publish in the local official Gazette and in such other manner as the Local Government may, by general or special order, direct, a notice, in English and also in the vernacular, calling upon all persons having claims against the Government ward or his immoveable property to submit the same in writing to it within six months from the date of the publication of the notice aforesaid.

(2) Every such claim (other than a claim on the part of the Government) not submitted to the Court of Wards in compliance with the provisions of sub-section (1), shall, save in the case provided for by section 15, sub-section (2), clause (c), be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged:

Provided that, if the Court of Wards is satisfied that the claimant was unable to comply with the provisions of sub-section (1), it may receive his claim within a further period of six months from the date of the expiry of the period aforesaid.

13. (1) Every claimant submitting his claim in compliance with the provisions of section 12, sub-section (1), shall furnish along with his written statement of claim full particulars thereof,

Claimants to furnish full particulars and documents.

[9]

[New]

[10]

[New]

[12]

[New]

and shall at the same time produce all documents (including entries in books of account) on which he relies to support his claim, together with a true copy of every such document.

(2) The Court of Wards shall, after marking, for the purpose of identification, every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the claimant.

(3) If any document, which is in the possession or under the control of the claimant, is not produced by him as required by sub-section (1), the document shall not be admissible in evidence against the Government ward, whether during the continuance of the management or afterwards, in any suit brought by the claimant or by any person claiming under him.

[New. Cf. II, s. 15.] 14. (1) On receipt of all claims submitted in compliance with the provisions of sections 12 and 13 the Court of Wards shall proceed to investigate such claims and shall decide which of them are to be wholly or partly admitted or wholly or partly rejected, as the case may be, and shall communicate its decision in writing to each claimant concerned.

(2) When the Court of Wards has admitted any claim under sub-section (1), it may make to the claimant a proposal in writing for the reduction of the claim, or of the rate of interest to be paid in future, or of both; and, if such proposal, or any modification of it, is accepted by the claimant and his acceptance is finally recorded and attested by the Court of Wards or by any Revenue-officer not being below the rank of an Assistant Commissioner whom the Local Government may, by general or special order, appoint in this behalf, it shall be conclusively binding upon the claimant:

Provided that, if when the superintendence of the property by the Court of Wards is relinquished or otherwise terminates, any portion of the claim reduced as aforesaid is still unsatisfied, the claimant shall be entitled to recover a sum bearing the same proportion to the original claim admitted under sub-section (1) as the unsatisfied portion bears to the reduced claim.

(3) Subject to the provisions of sub-section (2), nothing in this section shall be construed to bar the institution of a suit in a Civil Court for the recovery of a claim which has been submitted to the Court of Wards in compliance with the said provisions:

Provided that no decision of the Court of Wards under this section shall be proved in any such suit as against the defendant.

[New. Cf. II, s. 17.] 15. (1) When all claims have been investigated under section 14, the Court of Wards shall submit to the Local Government a schedule of the debts and liabilities of the Government ward, and the Local Government may, when the estate appears to be involved beyond all hope of extrication or for any other sufficient reason, by an order published in the local official Gazette, direct that, on a date to be fixed by the order, the superintendence of the property and person of the ward shall be relinquished by the Court of Wards.

(2) On the date so fixed—

- (a) the superintendence shall terminate;
- (b) the owner of the property under superintendence shall be restored to the possession thereof, subject to any contracts entered into by the Court of Wards for the preservation or benefit of such property;
- (c) the claims referred to in section 12, sub-section (2), shall revive.

16. Subject to any rules under this Act, *[II first part.]* the Court of Wards may appoint a manager of the property of any Government ward under its superintendence.

17. (1) With the general or special sanction *[New. Cf. II, second part.]* of the Local Government, the Court of Wards may, from time to time, delegate all or any of its powers to the Deputy Commissioner of any district in which any part of the property of its ward is situated, or to any other person whom it may appoint in this behalf, and may, at any time, with the like sanction, revoke such delegation.

(2) Subject to any general or special orders of the Local Government the Court of Wards may exercise all or any powers conferred on it by this Act through the Deputy Commissioner of any district in which any part of the property of its ward is situated, or through any other person whom it may appoint in this behalf, and, subject to the like orders, any such Deputy Commissioner may exercise all or any powers delegated to him under this Act through any Revenue-officer subordinate to him.

[12.] 18. (1) Every manager appointed by the Court of Wards shall—

- (a) give such security as the Court thinks fit duly to account for what he receives in respect of the rents and profits of the property under his management;
- (b) be entitled to such allowance as the Court thinks fit for his care and pains in the execution of his duties; and
- (c) be responsible for any loss occasioned to the property under his management by his willful default or gross negligence.

(2) Every manager or other servant of the Court of Wards shall be deemed a "public servant" within the meaning of sections 161, 162, 163, 164 and 165 of the Indian Penal Code; *[XLV of 1860.]* and in the definition of "legal remuneration" contained in the said section 161, the word "Government" shall, for the purposes of this sub-section, be deemed to include the Court of Wards.

19. The Court of Wards may appoint guardians *[13.]* for the care of the persons of Government wards whose persons are, for the time being, under its superintendence.

20. Subject to the provisions of this Act and of any rules thereunder, *[14.]* the Court of Wards—

- (a) may, of itself or through the manager (if any) appointed by it under this Act, do all such things requisite for the proper

care and management of any property, of which it assumes the superintendence under this Act, as the owner of the property, if it were not under the superintendence of the Court of Wards, might do for its care and management ; and

(b) may, of itself or through the guardian (if any) appointed by it under this Act, do in respect of the person of any Government ward whose person is, for the time being, under its superintendence, all such things as may lawfully be done by a guardian.

[15.] 21. The Court of Wards may pass such orders as it thinks fit in respect of the custody and residence of any Government ward whose person is, for the time being, under its superintendence, and, when he is a minor, in respect of his education.

[16.] 22. The Court of Wards may, from time to time, determine what sums shall be allowed in respect of the expenses of any Government ward and of his family and dependants.

[17.] 23. The Court of Wards, or the manager (if any) appointed by it under this Act, shall manage the property of every Government ward under its superintendence or under his management diligently and faithfully for the benefit of the Government ward, and shall in every respect act to the best of its or his judgment for the Government ward's interest as if the property were its or his own.

[18.] 24. The Court of Wards may let the whole or any part of the property of any Government ward under its superintendence, and may, with the previous sanction of the Local Government, mortgage, sell or exchange the whole or any part of such property, and may do all such other acts as it may judge to be best for the benefit of the property and the advantage of the Government ward.

New. [Cf. Act
XIV of 1882,
s. 424.] 25. No suit relating to the person or property of any Government ward shall be brought in any Civil Court until the expiration of two months after notice in writing, stating the name and place of abode of the intending plaintiff, the cause of action and the relief claimed, has been delivered to, or left at the office of, the Court of Wards ; and the plaintiff shall contain a statement that such notice has been so delivered or left.

[19.] 26. In every suit brought by or against a Government ward, the manager of the ward's property or, if there is no manager, the Court of Wards having the superintendence of the ward's property shall be named as the next friend or guardian for the suit, as the case may be.

[20.] 27. If, in any suit brought by or against a Government ward, any Civil Court decrees any cost against the Government ward's next friend or

guardian for the suit, the Court of Wards shall cause the costs to be paid out of any property of the Government ward which may, for the time being, be in its hands.

28. Every process which may be issued out of any Civil Court against any Government ward shall be served on the Government ward's next friend or guardian for the suit. [21.]

29. No suit shall be brought, and no appeal in any suit shall be preferred, on behalf of any Government ward unless it is authorized by an order in writing of the Court of Wards : [22.]

Provided as follows :

(1) a manager may authorize a plaint to be filed in order to prevent a suit from being barred by the law of limitation, but the suit shall not afterwards be proceeded with except under the sanction of the Court of Wards ;

(2) a suit for arrears of rent may be brought on behalf of a Government ward if authorized by an order of the manager of the property on which the rent is due.

30. (1) A Government ward shall be incompetent to transfer or create any charge on, or interest in, his property or any part thereof, or to enter into any contract which may involve him in pecuniary liability ; and no suit shall be brought in any Civil Court whereby to charge any person upon any promise made after he has ceased to be a Government ward to pay any debt contracted during the period when he was a Government ward, or upon any ratification made after he has ceased to be a Government ward of any promise or contract made during the period aforesaid, whether there is or is not any new consideration for such promise or ratification. [23.]

(2) Nothing in this section shall be deemed to effect the capacity of a Government ward to enter into a contract of marriage :

Provided that a Government ward shall not incur, in connection with such a contract, any pecuniary liability, except such as, having regard to the personal law to which he is subject and to his rank and circumstances, the Court of Wards may, in writing, declare to be reasonable.

31. No adoption by a Government ward, and no written or verbal permission to adopt given by a Government ward, shall be valid without the consent of the Local Government obtained, either previously or subsequently to the adoption or to the giving of the permission, on application made to it through the Court of Wards. [24.]

32. Whenever, on the death of any Government ward, the succession to his property or any part thereof is disputed, the Court of Wards may, with the previous sanction of the Local Government, either direct that the property or the part thereof

[25]

be made over to any person claiming the property, or retain the superintendence of the property until one of the claimants has established his claim to the same in a competent Civil Court, or institute a suit of interpleader against all the claimants.

[26.]

33. (1) The Court of Wards may, with the sanction of the Local Government, at any time withdraw its superintendence from the person or property, or both, of a Government ward, and shall withdraw its superintendence as soon as,—

- (a) in the case of a person disqualified under clause (a) of section 5, sub-section (1), he attains his majority;
- (b) in the case of a person disqualified under clause (b) of the same, he ceases to be of unsound mind and incapable of managing his affairs;
- (c) in the case of a person disqualified under sub-clause (i) of clause (c) of the same, his physical or mental defect or infirmity is removed or ceases:

Provided as follows:

- (i) whenever a Government ward dies or ceases to be disqualified and his property is still encumbered with debts and liabilities, the Court of Wards may, with the previous sanction of the Local Government, either release such property or retain it under its superintendence until such debts and liabilities have been discharged; and,
- (ii) if one or more of the proprietors of a property remain disqualified, although another or others may have ceased to be disqualified, the Court of Wards may, with the previous sanction of the Local Government, retain the whole of the property under its superintendence, paying any proprietor who has ceased to be disqualified, the surplus income accruing from his share of the estate.

(2) Where any question arises as to whether the superintendence of the Court of Wards should be withdrawn from any person or property, or both, under clause (1), or from any property under clause (c) of sub-section (1), the decision of the Local Government thereon shall be final, and no suit shall be brought in any Civil Court in respect of such decision.

[New.]

34. (1) Where, in exercise of the power conferred by section 33, the Court of Wards decides to withdraw its superintendence from the person and property of any minor, it shall, before such withdrawal, by an order in writing, appoint some person to be guardian of the person or property, or both, of the minor, and such appointment shall take effect from the date of such release.

(2) In appointing a guardian under this section, the Court of Wards shall be guided by the provisions of the Guardian and Wards Act, 1890; and every guardian so appointed

shall have, and be subject to, the same rights, duties and liabilities as if he had been appointed under that Act.

35. Where the Court of Wards withdraws [New.]

its superintendence from any person or property under this Act, the fact of such withdrawal shall be notified in the local official Gazette.

36. An appeal shall lie from every order passed under this Act, whether original or on appeal,— [27.]

- (a) if the order is that of a Commissioner, to the Local Government;
- (b) if the order is that of a Deputy Commissioner, to the Commissioner;
- (c) in all other cases, to the Deputy Commissioner:

Provided that in no case shall a third appeal lie.

37. All orders or proceedings under this Act shall be subject to the supervision and control of the Local Government; and [28.]

the Local Government may, if it thinks fit, revise, modify or reverse any such order or proceeding, whether an appeal is presented against any such order or proceeding or not.

38. No suit shall be brought in any Civil Court in respect of the exercise of any discretion conferred by this Act. [29.]

39. (1) The Local Government may make rules to carry out the purposes and objects of this Act. [30.]

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the matters to which regard should be had in appointing or removing guardians and managers, and in fixing their remuneration;
- (b) regulate the amount of security to be given by managers;
- (c) prescribe the cases in which proposals or arrangements connected with the administration of the properties of Government wards shall be reported for the sanction of the Local Government;
- (d) prescribe the accounts and other returns which, and the periods and form at and in which, they shall be rendered to the Court of Wards and by the Court of Wards to the Local Government;
- (e) regulate the custody of securities and title-deeds belonging to the estate or property of a Government ward;
- (f) regulate the procedure in inquiries by, and in appeals from orders of, the Court of Wards under this Act;
- (g) confer upon the Court of Wards for the purposes of this Act any of the

Not 1890.

powers exercised by a Civil Court in the trial of suits ;

(h) prescribe the mode in which powers delegated to managers are to be notified for the information of persons concerned ; and,

(i) generally, prescribe the manner in which the powers and duties of the Court of Wards under this Act shall be exercised and performed.

(3) All rules made under this section shall be published in the local official Gazette, and shall on such publication have effect as if enacted by this Act.

[a.] 40. *The enactments mentioned in the schedule are repealed to the extent specified in the fourth column thereof.*

THE SCHEDULE.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1885	XVII	The Central Provinces Government Wards Act, 1885.	The whole.
1890	VIII	The Guardians and Wards Act, 1890.	So much of section 2 and the schedule as relates to Act XVII of 1885.
1891	XII	The Repealing and Amending Act, 1891.	So much as relates to Act XVII of 1885.

STATEMENT OF OBJECTS AND REASONS.

THE law relating to the Court of Wards in the Central Provinces has, for some time, been admitted to be defective. The question of amending it has been considered and discussed in connection with the larger question of restricting the transfer of property in land from the agricultural classes to non-agriculturist capitalists. As a result of the consideration and discussion of this particular branch of the subject, it has been decided to undertake the amendment and consolidation of the law relating to the Court of Wards so as to make it more effective, precise and clear.

2. The main amendments proposed in the existing law are these :

(1) To make the Commissioner of the Division the Court of Wards in place of the Deputy Commissioner of the District. The management of wards' properties is in many districts very onerous and important work, and it is desirable that the responsibility for the supervision and control of it should be specifically placed on the Commissioner. In other provinces the Board of Revenue is the Court of Wards, but as there is no Board of Revenue in the Central Provinces, it is proposed to make the Commissioner—who is the highest revenue authority next to the Chief Commissioner—the Court of Wards (clause 3 of the Bill).

(2) To enable the Local Government to declare persons incapable of managing their properties owing to mental defects or infirmities. The existing law empowers the Local Government to declare proprietors incapable of managing their properties on account of physical defects, and it is considered desirable to confer similar power in cases where the mental defects of proprietors may fall short of absolute idiotcy or lunacy—clause 5 (1) (c) (i).

(3) To empower the Local Government, on the application of a proprietor, when it thinks it expedient in the public interest to do so, to order the Court of Wards to assume the administration of his property. This power is already possessed under the Court of Wards Law in Bengal and some other Provinces, and it seems obviously desirable to take it in the Central Provinces also (clause 6).

(4) To provide for the prompt ascertainment of the liabilities of wards' properties and prompt adjudication of claims against them. For this purpose, it is proposed that creditors shall be obliged to register all debts within a period of six months from the assumption of charge of a ward's property ; that they shall furnish particulars and documents in support of their claims ; that debts not so registered shall, save when the Court relinquishes superintendence as provided in clause 15 (2), become extinguished ; and that, when claims have been received within the period specified, the Court of Wards will investigate them and decide which of them are to be admitted wholly or partly or are to be wholly or partly rejected. If the Court of Wards admits a claim it may make a proposal in writing for its reduction ; and, if such proposal or a modification of it is accepted by the claimant, it shall be conclusively binding on him : but, if he does not accept the proposal of the Court of Wards, he may sue in the Civil Court for the recovery of any claim which he has registered within the prescribed period. If, after the investigation of claims by the Court of Wards, the Local Government finds that an estate is hopelessly involved, it may order that the superintendence of the person and property of the ward be relinquished, and from the date of such relinquishment all claims will revive as if charge of the estate had not been assumed (clauses 12 to 15).

These provisions are deemed necessary for efficient management. The Deputy Commissioner is often, under the present law, suddenly called upon to take charge of an estate of which he finds it impossible to ascertain the true state of affairs upon which his scheme of management is to be based, and has sometimes to relinquish charge on finding that estates are involved in debt beyond hope of extrication. These provisions are intended to meet such difficulties.

(5) To provide that in suits against the Court of Wards two months' notice shall be given, as in the case of suits against the Government (clause 25).

(6) To make it clear that any contract involving a ward in pecuniary liability which is entered while he is under the superintendence of the Court of Wards, remains void after management has been relinquished, in spite of any subsequent promise or ratification by barring suits whereby to charge a ward upon any promise, made after he has ceased to be a ward, to pay any debt contracted during the period when he was a ward (clause 30). The intention of this provision is to prevent the creation during the management of the Court of Wards of new encumbrances, which it is the Court's object to prevent altogether.

(7) To enable the Court of Wards, when a ward dies or ceases to be disqualified and his property is still encumbered, to retain charge, if the Government thinks fit, until such debts and liabilities have been discharged—clause 33 (1), proviso (1).

3. Certain minor alterations are proposed so as to bar the jurisdiction of the Civil Courts, to provide for the assumption of temporary management by the Deputy Commissioner before the issue of a formal notification and to define the right of appeal.

The 24th July, 1899.

C. M. RIVAZ.

J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th July, 1899:

NO. 17 OF 1899.

A Bill further to amend the Punjab Courts Act, 1884.

WHEREAS it is expedient further to amend the Punjab Courts Act, 1884; It is hereby enacted as follows:

1. (1) This Act may be called the Punjab Courts Act, 1899; and
Short title and commencement.

(2) It shall come into force at once.

2. To section 39 of the Punjab Courts Act, 1884, as amended by the Punjab Courts Act, 1888, the following proviso shall be added, namely:

"Provided that the Chief Court may, with the previous sanction of the Local Government, by notification in the local official Gazette, direct that appeals lying to the Divisional Court under clause (c) from all or any of the decrees passed in an original suit by any Munsif or Subordinate Judge shall be preferred to such District Judge as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly."

3. For sections 40 and 41 of the Punjab Courts Act, 1884, as amended by the Punjab Courts Act, 1888, the following sections shall be substituted, namely:

"40. A further appeal shall lie to the Chief Court in any of the following cases from an appellate decree of a Divisional Court on any ground which would be a good ground of appeal if the decree had been passed in an original suit, namely:

(a) in a small cause, if the value of the suit is one thousand rupees or upwards, or the decree involves directly some claim to, or question respecting, property of like value, and the decree of the Divisional Court varies or reverses otherwise than as to costs the decree of the Court below:

(b) in a land suit,—

(i) if the value of the suit is two-hundred-and-fifty rupees or upwards and the decree of the Divisional Court varies or reverses otherwise than as to costs the decree of the Court below; or

(ii) if the value of the suit is one-thousand rupees or upwards:

(c) in an unclassified suit,—

(i) if the value of the suit is one-thousand rupees or upwards and the decree of the Divisional Court varies or reverses otherwise than as to costs the decree of the Court below; or

(ii) if the value of the suit is two-thousand-five-hundred rupees or upwards.

"41. Subject to the provisions of sections 40 and 70 of this Act and to those of section 595 of the Code of Civil Procedure, an appellate decree of a District Judge or Divisional Court shall be final."

4. In section 43 of the Punjab Courts Act, 1884, the proviso to sub-section (2) is hereby repealed.

XVIII of 1884.
Substitution of new sections for sections 70 and 71, Act XVIII, 1884.

5. For sections 70 and 71 of the Punjab Courts Act, 1884, the following sections shall be substituted, namely:

"70. (1) The Chief Court may call for the record of any case in which no appeal lies to it, and may pass such order in the case as it thinks fit,—

(a) if the Court, by which the case was decided, appears to have exercised a jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of its jurisdiction with material irregularity; or

(b) if, on application made to it, the Chief Court is of opinion that there is a question of law or custom and of general interest involved:

"Provided that no application under clause (b) shall be admitted after the expiration of thirty days from the date of the order in respect of which the application is made, unless the applicant satisfies the Chief Court that he had sufficient cause for not making the application within that period.

"(2) In computing the period of limitation aforesaid, the provisions of the Indian Limitation Act, 1877, shall be deemed to apply.

"(3) Section 622 of the Code of Civil Procedure, in so far as it applies to the territories to which this Act extends, is hereby repealed.

"71. In the first schedule to the Court-fees Act, 1870, after No. 12, the following shall be inserted, namely:

13. Application to the Chief Court in the Punjab for the exercise of its revisional jurisdiction under section 70 of the Punjab Courts Act, 1884.

When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees.

Two rupees.

When such amount or value exceeds twenty-five rupees.

The fee leviable on a memorandum of appeal." XVIII of 1884.

6. In section 72 of the Punjab Courts Act, 1884, for the words and figures "under section 622 of the Code of Civil Procedure," the words and figures "under section 70" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

THE law relating to second appeals in civil cases in the Punjab differs from that applicable to most of the rest of India under the Code of Civil Procedure (Act XIV of 1882). In 1884, when the Punjab Commission was re-organized and improved and the Punjab Courts Act, 1884 (XVIII of 1884), was passed, provision was made—see section 40 of the Act as originally enacted—for a further appeal to the Chief Court from an appellate decree of a Divisional Court on any ground which would be a good ground of appeal where the decree had been passed in an original suit, other than a small cause of value not exceeding five hundred rupees,—

- (a) if the suit was of the value of more than five hundred rupees;
- (b) if a single Divisional Judge had varied or reversed the decree of the Court of First Instance;
- (c) if, in a Divisional Court of more than one Judge, there was not a majority of the Judges of the Court concurring in the decree of the Court of First Instance; and
- (d) if, on a party's application, the Divisional Court certified that there was a question of law or custom or of general interest involved and that the case was, in its opinion, of sufficient importance to justify a further appeal.

It was also enacted—see section 70—that the revisional section 622 of the Code of Civil Procedure should, in its application to the Punjab, be read as if the words "illegally or" were omitted, and that, for the purposes of that section, no appeal should be deemed to lie in cases which were not appealable under clause (a), (b) or (c) above, and in which an application under clause (d) had been refused.

2. Before the Act of 1884 had been many months in force it was found that, although its effect had been greatly to reduce the number of civil appeals to the Chief Court, the amount of appellate work coming before the Divisional Courts, which then consisted of Benches of two Judges, was greater than had been anticipated. The Divisional Courts in consequence fell rapidly into arrears, and, in order to overcome these, the Benches were dissolved and thirteen Divisional Judges were appointed to sit separately in their stead. The first result of this change was a considerable reduction in the arrears pending in the Divisional Courts, but the second result was so large an advance in the number of further appeals that very heavy arrears accumulated in the Chief Court. It was then decided to revise the appellate system again, and the Punjab Courts Act, 1888 (XIII of 1888), was accordingly passed to limit the right of further appeal from the Divisional Courts to the following cases only:

- (i) appellate decrees in suits of the value of one thousand rupees or upwards, or involving directly claims to, or questions respecting, property of that value;
- (ii) appellate decrees in land-suits made by a single Divisional Judge and varying or reversing, otherwise than as to costs, the original decrees;

- (iii) appellate decrees in land-suits made by a Bench, the majority not concurring in confirming, or in varying or reversing otherwise than as to costs, the original decrees; and
- (iv) appellate decrees in suits certified by Divisional Judges as involving questions of law or custom and as being of sufficient importance to justify further appeal.

At the same time, a further appeal was expressly barred in any small cause of value not amounting to one thousand rupees and in any unclassified suit not exceeding one hundred rupees in value; but it was further provided that, where a certificate in a case under clause (iv) above had been refused, the Chief Court might admit an application for revision received within thirty days of the refusal, if it thought that a question of law or custom or of general interest was involved and that the case was of sufficient importance to justify a further appeal.

3. Notwithstanding these amendments, second appeals in the Punjab have continued to be so numerous as to keep the Chief Court in arrears and to necessitate the continual services of additional Judges; and the Government of India are of opinion that legislation should be pushed yet farther in the direction of that undertaken in 1888. The general question of amending the law of civil appeal throughout British India, which is now under consideration, has produced many divergent opinions and suggestions, and it is extremely doubtful whether the same degree of limitation on the right of appeal will ever be suitable for all the different Provinces. As regards the Punjab, the Local Government and the Judges of the Chief Court are, at length, after many years' discussion, agreed upon a method of curtailing the number of second appeals which, under the law as it stands, is admitted on all sides to offer to an abnormally litigious population an undesirable incentive to excessive litigation; and the object of this Bill is to give effect to their joint proposals, subject to certain modifications decided upon by the Government of India. The details are referred to in the annexed *Notes on Clauses*.

The 26th July, 1899.

C. M. RIVAZ.

Notes on Clauses.

Clause 2.—It is here proposed to incorporate in section 39 of the Punjab Courts Act, 1884 (XVIII of 1884), as amended by the Punjab Courts Act, 1888 (XIII of 1888), a provision similar to that contained in section 21, sub-section (4), of the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887 (XII of 1887), the object being to make provision for affording, if necessary, relief to the Divisional Courts. This proposal has no bearing on the law of second appeal, but it has been deemed advisable to take the present opportunity of giving effect to it.

Clause 3.—The new section 40 which it is here proposed to substitute for the present section in the Act of 1884 abolishes the system of further appeal on the certificate of a Divisional Judge, and raises, for each class of suit, the money-limit subject to which further appeals should be allowed. Section 41 is then reproduced as it stands with a merely consequential amendment.

Clause 4.—The repeal of the proviso to sub-section (2) of section 43 of the Act of 1884 is also consequential.

Clause 5.—Instead of setting forth the modifications subject to which section 622 of the Code of Civil Procedure (Act XIV of 1882) is to apply in the Punjab, it has been thought better to repeal that section locally and to enact in its place the provision which, in the opinion of the Government of India, should regulate the Chief Court's powers in revision. It will be observed that revision is provided for in cases where application is made without delay and the Chief Court is of opinion that there is a question of law or custom and of general interest involved.

Section 71 is reproduced with the alterations necessitated by the foregoing changes.

Clause 6.—The amendment here proposed follows the others and requires no further explanation.

J. M. MACPHERSON,

Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 26, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th August, 1899:

NO. 18 OF 1899.

A Bill further to amend the Presidency Banks Act, 1876.

WHEREAS it is expedient further to amend the Presidency Banks Act, 1876; It is hereby enacted as follows:

1. (1) This Act may be called the Presidency Short title and com. Banks Act, 1899; and
enactment.

(2) It shall come into force at once.

2. To section 36, clause (a), sub-clause (4), of the Presidency Banks Act, 1876, as amended by section 36, Act XI, 1876, as amended by section 4 of the Presidency Banks Act, 1879, the following shall be added, namely: XI of 1876.
V of 1879.

"or the Trustees for the Improvement of the City of Bombay under the authority of the City of Bombay Improvement Act, 1898."

Bom. Act IV
of 1898.

STATEMENT OF OBJECTS AND REASONS.

IN connection with the scheme for the improvement of the City of Bombay which has recently obtained legislative recognition through the passing into law of the City of Bombay Improvement Act, 1898 (Bom. Act IV of 1898), the Directors of the local Presidency Bank have represented to the Government of India that they might, with advantage, be empowered to lend money to the Board of Trustees appointed under that Act, and to purchase, and make advances and open cash credits upon, securities issued by the Trustees, as they are already, by section 36 of the Presidency Banks Act, 1876 (XI of 1876), authorized to do in the case of debentures and other securities issued under the authority of the legislature by Municipal Committees and Port Commissioners. In view of the provision made by the Act of 1898 for the payment of interest and the establishment of a sinking fund towards the liquidation of any loan raised by the Trustees, and having regard to the fact that the sanction of the Government of India will have to be obtained before the Trustees can borrow at all in furtherance of the scheme, the Governor General in Council is satisfied that there is no reason why the power asked for should not be conferred as suggested by the Directors; and the object of this Bill is to make the necessary further amendment in the Act of 1876.

The 17th August, 1899.

C. E. DAWKINS.

J. M. MACPHERSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th August, 1899 :

NO. 19 OF 1899.

A Bill to amend the Central Provinces Tenancy Act, 1898.

1898. WHEREAS it is expedient to amend the Central Provinces Tenancy Act, 1898; It is hereby enacted as follows :

1. (1) This Act may be called the Central Provinces Tenancy (Amendment) Act, 1899; and
Short title and commencement.

(2) It shall come into force at once.

2. In section 45 of the Central Provinces Tenancy Act, 1898, for XI of 1898. Substitution of new sub-section for sub-section (6), section 45, Act XI, 1898. ing sub-section shall be substituted and shall be deemed to have been substituted on and with effect from the commencement of the said Act, namely :

"(6) Nothing in this section shall affect a document duly registered before the commencement of this Act; and, on any surrender or transfer such as is described in sub-section (1) being made, decreed or ordered in pursuance of such a document, the rights of the parties to occupy the sir-land shall accrue as if this Act had not been passed."

STATEMENT OF OBJECTS AND REASONS.

THE provisions of section 45 of the Central Provinces Tenancy Act, 1898 (XI of 1898), regarding the creation of an ex-proprietary tenant-right in sir-land where a proprietor loses or transfers his rights as such therein, are much wider than those of the corresponding section 42 of Act IX of 1883. When the Bill which was passed into law last year, was before the Council, it was intimated on behalf of the Government of India that it was not intended to make the new section operate retrospectively so as to affect any transactions entered into on the faith of the provisions which were about to be superseded; and in consequence a sixth paragraph was added in Select Committee to the new section. That paragraph was, however, amended at the last moment on a motion made in Council before the Bill was passed, and it has been found that the amendment so made frustrates the declared intention of the Government. The object of this Bill is to remedy the error by re-enacting the provision in somewhat clearer terms, and so to fulfil the pledge above referred to.

The 23rd August, 1899.

C. M. RIVAZ.

J. M. MACPHERSON,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 9, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 28.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 8th September, 1899 :

No. 20 OF 1899.

A Bill further to amend the Indian Coinage Act, 1870, and the Indian Paper Currency Act, 1882.

WHEREAS it is expedient further to amend the Indian Coinage Act, 1870, and the Indian Paper Currency Act, 1882; It is hereby enacted as follows :

1. (1) This Act may be called the Indian Coinage and Paper Currency Act, 1899; and

(2) It shall come into force at once.

2. For section 12 of the Indian Coinage Act, 1870, the following section shall be substituted, namely :

" 12. Gold coins, whether coined at Her Majesty's Royal Mint in England, or at any Mint established in pursuance of a Proclamation of Her Majesty as a branch of Her Majesty's Royal Mint, shall be a legal tender in payment or on account at the rate of fifteen rupees for one sovereign :

" Provided that such coins have not been called in by any Proclamation made in pursuance of the Coinage Act, 1870, or have not lost weight so as to be of less weight than that for the time being prescribed for like coins by or under the said Statute as the least current weight."

3. To section 11, clause (a), of the Indian Paper Currency Act, 1882, the following words and figures shall be added, namely :

" or in gold coin which is legal tender under the Indian Coinage Act, 1870."

STATEMENT OF OBJECTS AND REASONS.

It was explained in Council, when leave was asked to postpone this Bill, that it was desirable to await the terms of the Proclamation which is being drafted in London with the view of constituting an Indian Mint a branch of the Royal Mint for the purpose of coining gold, before proceeding with legislation in this country. The Government of India had been led to expect the Proclamation some time since; but are now advised that there may be further delay in its issue owing to technical and legal questions.

But it is considered advisable, in view of the announcement of policy made by the Government, to proceed now with so much of the proposed legislation as is necessary to make the sovereign full legal tender in India at a fixed rate. By this legislation the Government of India will be giving effect to the policy initiated by it in 1893, when the Indian Mints

were closed to the free coinage of silver, with the object of establishing a gold standard. The amendment is framed to carry out the most important of the recommendations of the Currency Committee which has recently reported. These recommendations have been accepted generally by Her Majesty's Government and by the Secretary of State in Council. They are entirely concurred in by the Government of India, and may be summarized as follows:

The Indian Mints should continue to be closed against the unrestricted coinage of silver and they should be opened to the receipt of gold; the gold coin current and legal tender in the United Kingdom should also be declared legal tender in India, at the rate of fifteen rupees to a sovereign, that is at the rate of 1s. 4d. the rupee, and such gold coins should be coined in the Indian Mints. The Bill contains the modifications in the Indian Coinage Act of 1870 and the Paper Currency Act of 1882 which are necessary to give the recommendations as regards making gold coins legal tender, at the rate of fifteen rupees to a sovereign, the force of law.

The 5th September, 1899.

C. E. DAWKINS.

J. M. MACPHERSON,

Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 30, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to consolidate and amend the law relating to the Court of Wards in the Central Provinces was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 27th September, 1899:

WE, the undersigned, Members of the Select Committee to which the Bill to consolidate and amend the law relating to the Court of Wards in the Central Provinces was referred, have considered the Bill and the papers noted in the margin and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

From Chief Commissioner, Central Provinces, dated 30th August, 1899, and enclosure. }
From ditto, dated 18th July, 1899. } Papers No. 1.

Clauses 5 and 8.—We are disposed to think that the Court of Wards should have power to assume the superintendence of the property and person of a minor even when a guardian may have been appointed for his property or his person by will. It seems to us that cases may easily arise in which it would be expedient for the Court to displace such a guardian. We have, therefore, omitted the qualifying words which occurred after the word "minors" and the word "minor" in clauses 5 and 8 of the Bill as introduced.

Clause 6.—As suggested by the Chief Commissioner, we have substituted the word "land-holder" for "person" in the first line of this clause.

Clause 10.—We have assimilated the provisions of this clause to those contained in the North-Western Provinces Court of Wards Bill, now pending before the local Legislative Council, by giving the Court of Wards power to refrain from assuming the superintendence of property subsequently acquired by the ward otherwise than by inheritance. This has necessitated the omission of the words "or otherwise acquire" in sub-clause (3) and the addition of a new sub-clause (4).

Clauses 12 and 15 (formerly 14).—We think that the provisions of sub-clause (2) of clause 12, under which all claims not submitted to the Court of Wards within the period prescribed by sub-clause (1) are deemed to be discharged, are too stringent. We have,

therefore, expanded the proviso so as to allow the Court, if satisfied as to the reason given for the delay, to receive claims at any time; but we have declared that any claims so received shall, notwithstanding any law, contract, decree or award to the contrary, cease to carry interest from the expiry of the period prescribed by sub-clause (1). The amendment we have made in sub-clause (3) of clause 15 is merely consequential on the above.

Clause 14 is new. It has been introduced at the suggestion of the Chief Commissioner in order to prevent a creditor of a Government ward, who has already obtained a decree against his debtor, from defeating the object with which the Court of Wards has assumed the management of the property by proceeding to execution. It, therefore, empowers the Civil Court, on application made to it by the Court of Wards within one year of assuming management, to stay, on such terms as to interest or compensation as seems to it just, any proceedings in the matter of any process of execution, which it may have issued against the immoveable property of the ward or the rents thereof or any crops standing thereon.

Clause 16 (formerly clause 15).—We have added a new sub-clause to this clause, taken from section 19 of the Sindh Incumbered Estates Act, 1896, providing that in calculating the periods of limitation applicable to suits to recover and enforce debts and liabilities revived under this clause, the time during which the superintendence of the Court of Wards has continued shall be excluded.

Clause 26 (formerly clause 25).—We have added a proviso to this clause to provide for the case where a claim might be barred by limitation if two months' notice were obligatory.

Clauses 31 (formerly clause 30) and 32 (formerly clause 31).—Adopting a suggestion taken from the North-Western Provinces Bill above referred to, we have provided in the latter of these clauses that no will made by a Government ward shall be valid without the consent of the Local Government and, by a slight addition to clause 31, made it clear that wills so made are excepted from the prohibition against creating charges on, or interests in, their property imposed by that clause on Government wards.

Clause 40 (formerly clause 39).—In sub-clause (2), (f), of this clause, we have, with a view to giving effect to a suggestion made by the Chief Commissioner, empowered him to fix, by rule, the periods of limitation which shall apply to appeals from orders of the Court of Wards.

We have not seen our way to giving effect to the further proposals for the amendment of the law made by the Chief Commissioner in his letters referred to in the margin above. We do not think that the provisions of the Tenancy Act should be relaxed in favour of the Court of Wards. These provisions were enacted only last year after prolonged discussion, and it seems to us that private land-owners might justly complain if the Court of Wards were now relieved from the restrictions in connection with the leasing of land to which they are subject. Nor do we see any good reason for distinguishing between ordinary land-owners and the Court of Wards in the matter of the recovery of rents. The special procedure to which the Chief Commissioner refers is at present in force only, so far as we are aware, in the Presidency of Bengal, where it is provided for by the Public Demands Recovery Act, 1895 (Bengal Act I of 1895), and we are not prepared to recommend its immediate adoption in the Central Provinces.

The publication ordered by the Council has been made as follows :

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	29th July, 1899.
Central Provinces Gazette	5th August, 1899.

We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. M. RIVAZ.

T. RALEIGH.

G. M. CHITNAVIS.

The 26th September, 1899.

No. II.

NOTE.—The marginal references are, unless another intention is indicated, to the sections of Act XVII of 1885. The italics indicate the amendments proposed by the Bill as introduced. The alterations made by the Select Committee are shown in antique type.

A Bill to consolidate and amend the law relating to the Court of Wards in the Central Provinces.

WHEREAS it is expedient to consolidate and amend the law relating to the Court of Wards in the Central Provinces; It is hereby enacted as follows:

Preliminary.

1. (1) This Act may be called the Central Provinces Court of Wards Act, 1899.

(2) It extends to the territories for the time being administered by the Local Government of the Central Provinces; and

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) the expression "Government ward" means any person of whose property, or of whose person and property, the Court of Wards may, for the time being, have the superintendence under this Act;

(b) "land" includes the rights of a land-holder in respect of the land of which he is the mālguzār or zamīndār or the muāfidār, jagīrdār, ubāridār or other assignee of land-revenue, or in which he is interested; and

(c) "land-holder" means a mālguzār as defined in the Central Provinces Land-revenue Act, 1881, and the zamīndār of any zamīndārī in a Scheduled District, and includes a muāfidār, jagīrdār, ubāridār or other assignee of land-revenue, and any person not hereinbefore specified who is interested in land and belongs to a class of which the Local Government, with the previous sanction of the Governor General in Council, has declared the members to be land-holders for the purposes of this Act.

3. Subject to the provisions of section 9, the Commissioner shall be the Court of Wards for the limits of his division.

4. The Court of Wards may, with the previous sanction of the Local Government, assume the superintendence of the property of any land-holder owning land within the local limits of its jurisdiction who is disqualified to manage his property.

5. (1) The following persons shall, for the purposes of section 4, be deemed to be disqualified to manage their own property, namely:

(a) minors;

(b) persons adjudged by a competent Civil Court to be of unsound mind and incapable of managing their affairs; and

(c) persons declared by the Local Government to be incapable of managing their property owing to—

(i) any physical or mental defect or infirmity;

(ii) their having been convicted of a non-bailable offence and being unfitted by vice or bad character; or

(iii) their being females.

(2) No suit shall be brought in any Civil Court in respect of any declaration made by the Local Government under sub-section (1), clause (c).

6. (1) Any land-holder may apply to the Local Government to have his

Superintendence by Court of Wards on application of proprietor. property placed under the superintendence of the Court of Wards, and the Local Government may on such application, if it thinks it expedient in the public interests, order the Court of Wards to assume the superintendence of the property.

(2) An order made by the Local Government under sub-section (1) shall be sufficient to authorize the Court of Wards to assume the superintendence of the property referred to therein, and no suit shall be brought in any Civil Court in respect of any such order.

7. (1) Whenever the Court of Wards receives information that any land-holder has died and has reason to believe that the heir of the land-holder is a person who is, or should be adjudged or declared to be, disqualified under section 5, the Court may—

(a) take such steps and make such order for the temporary custody and protection of the property inherited as it thinks fit; and,

(b) if the heir is a minor, direct that the person (if any) having the custody of the minor, shall produce him or cause him to be produced at such place and time and before such person as the Court may appoint, and make such order for the temporary custody and protection of the minor as it thinks fit:

Provided that, where the minor is a female and belongs to a class the females of which do not usually appear in public, her production shall be required only in accordance with the manners and customs of the country.

(2) Whenever the Court of Wards proceeds under this section, it shall forthwith report its action for the information of the Local Government.

8. Where the Court of Wards assumes the superintendence of the property of a minor or of a person who has been adjudged by a competent Civil Court to be of unsound mind and incapable of managing his affairs, it may, with

Superintendence by Court of Wards of person of disqualified land-holder.

[New.]

[New.]

[S.]

the previous sanction of the Local Government, assume the superintendence of his person also :

Provided that nothing in this section shall authorize the Court of Wards to assume the superintendence of the person of a female who is married to a man of full age and is in his custody.

- [9.] 9. Where a land-holder owns land within two or more divisions, such one only of the Courts of Wards as the Local Government may determine in this behalf shall assume the superintendence of the property, or of the person and property, of the land-holder.

- [New.] 10. (1) Whenever the Court of Wards assumes the superintendence of the property of any person under this Act, the fact of such assumption, and the date on which it was sanctioned by the Local Government, shall be notified in the local official Gazette.

(2) On and with effect from the date of such sanction, the whole of the property, moveable and immoveable, of such person, whether the existence of any such property may be known to the said Court or not, shall be deemed to be under the superintendence of the Court of Wards.

(3) Any property which the Government ward may inherit subsequently to the date of such sanction, shall also be deemed to be under the superintendence of the Court of Wards.

(4) The Court of Wards may, in its discretion, assume or refrain from assuming the superintendence of any property which the ward may acquire, otherwise than by inheritance, subsequent to the date of such notification.

- [10.] 11. No suit shall be brought in any Civil Court to contest the authority of the Court of Wards in respect of the property, or of the person and property, of any person under this Act on the ground that such person was not or is not a land-holder or a minor.

- [New. Cf. XX of 1896, s. 12.] 12. (1) On the issue of a notification under section 10, the Court of Wards shall publish in the local official Gazette and in such other manner as the Local Government may, by general or special order, direct, a notice, in English and also in the vernacular, calling upon all persons having claims against the Government ward or his immoveable property to submit the same in writing to it within six months from the date of the publication of the notice aforesaid.

(2) Every such claim (other than a claim on the part of the Government) not submitted to the Court of Wards in compliance with the provisions of sub-section (1), shall, save in the case provided for by section 15, sub-section (2), clause (c), be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged :

Provided that, if the Court of Wards is satisfied that the claimant was unable to comply with the provisions of sub-section (1), it may receive his claim at any time after the date of the expiry of the period aforesaid, but any claim so received shall, notwithstanding any law, contract, decree or award to the contrary, cease to carry interest from the date of the expiry of the period aforesaid.

13. (1) Every claimant submitting his claim in compliance with the provisions of section 12, sub-section (1), shall furnish full particulars and documents along with his written statement of claim full particulars thereof, and shall at the same time produce all documents (including entries in books of account) on which he relies to support his claim, together with a true copy of every such document.

(2) The Court of Wards shall, after marking, for the purpose of identification, every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the claimant.

(3) If any document, which is in the possession or under the control of the claimant, is not produced by him as required by sub-section (1), the document shall not be admissible in evidence against the Government ward, whether during the continuance of the management or afterwards, in any suit brought by the claimant or by any person claiming under him.

14. If a civil Court has directed any process of execution to issue against any immoveable property of a Government ward or the rents thereof or any crops standing thereon, the Court of Wards may, at any time within one year after the issue of a notification under section 10, apply to the Civil Court to stay proceedings in the matter of such process, and the Civil Court may, on such terms regarding interest or compensation for delay as may appear to it to be just and reasonable, stay such proceedings accordingly.

15. (1) On receipt of all claims submitted in compliance with the provisions of sections 12 and 13 the Court of Wards shall proceed to investigate such claims and shall decide which of them are to be wholly or partly admitted or wholly or partly rejected, as the case may be, and shall communicate its decision in writing to each claimant concerned.

(2) When the Court of Wards has admitted any claim under sub-section (1), it may make to the claimant a proposal in writing for the reduction of the claim, or of the rate of interest to be paid in future, or of both ; and, if such proposal, or any modification of it, is accepted by the claimant and his acceptance is finally recorded and attested by the Court of Wards or by any Revenue-officer not being below the rank of an Assistant Commissioner whom the Local Government may, by general or special order, appoint in this behalf, it shall be conclusively binding upon the claimant :

Provided that, if when the superintendence of the property by the Court of Wards is relinquished, or otherwise terminates, any portion of

the claim reduced as aforesaid is still unsatisfied, the claimant shall be entitled to recover a sum bearing the same proportion to the original claim admitted under sub-section (1) as the unsatisfied portion bears to the reduced claim.

(3) Subject to the provisions of sub-section (2), nothing in this section shall be construed to bar the institution of a suit in a Civil Court for the recovery of a claim against a Government ward or his property which has been submitted to and received by the Court of Wards:

Provided that no decision of the Court of Wards under this section shall be proved in any such suit as against the defendant.

See Cf.
s. 17.]

16. (1) When all claims have been investigated under section 15, the Court of Wards shall submit to the Local Government a schedule of the debts and liabilities of the Government ward, and the Local Government may, when the estate appears to be involved beyond all hope of extrication or for any other sufficient reason, by an order published in the local official Gazette, direct that, on a date to be fixed by the order, the superintendence of the property and person of the ward shall be relinquished by the Court of Wards.

(2) On the date so fixed—

(a) the superintendence shall terminate;

(b) the owner of the property under superintendence shall be restored to the possession thereof, subject to any contracts entered into by the Court of Wards for the preservation or benefit of such property;

(c) the claims referred to in section 12, sub-section (2), shall revive.

(3) In calculating the periods of limitation applicable to suits to recover and enforce debts and liabilities revived under this section, the time during which such superintendence has continued shall be excluded.

1. first
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17. The Court of Wards may appoint a manager of the property of any Government ward under its superintendence.

See Cf. II,
and part.]

18. (1) With the general or special sanction of the Local Government, the Court of Wards may, from time to time, delegate all or any of its powers to the Deputy Commissioner of any district in which any part of the property of a Government ward is situated, or to any other person whom it may appoint in this behalf, and may, at any time, with the like sanction, revoke such delegation.

(2) Subject to any general or special orders of the Local Government the Court of Wards may exercise all or any powers conferred on it by this Act through the Deputy Commissioner of any district in which any part of the property of a Government ward is situated, or through any other person whom it may appoint in this behalf, and, subject to the like orders, any such Deputy Commissioner may exercise all or any powers delegated to him under this Act through any Revenue-officer subordinate to him.

19. (1) Every manager appointed by the Court of Wards shall—

Liabilities, etc., of managers and other servants of Court of Wards.

(a) give such security as the Court thinks fit duly to account for what he receives in respect of the rents and profits of the property under his management;

(b) be entitled to such allowance as the Court thinks fit for his care and pains in the execution of his duties; and

(c) be responsible for any loss occasioned to the property under his management by his wilful default or gross negligence.

(2) Every manager or other servant of the Court of Wards shall be deemed a "public servant" within the meaning of sections 161, 162, 163, 164 and 165 of the Indian Penal Code; and in the definition of "legal remuneration" contained in the said section 161, the word "Government" shall, for the purposes of this sub-section, be deemed to include the Court of Wards.

20. The Court of Wards may appoint guardians for the care of the persons of Government wards whose persons are, for the time being, under its superintendence.

21. Subject to the provisions of this Act and of any rules thereunder, the Court of Wards—

General powers of Court of Wards.

(a) may, of itself or through the manager (if any) appointed by it under this Act, do all such things requisite for the proper care and management of any property, of which it assumes the superintendence under this Act, as the owner of the property, if it were not under the superintendence of the Court of Wards, might do for its care and management; and

(b) may, of itself or through the guardian (if any) appointed by it under this Act, do, in respect of the person of any Government ward whose person is, for the time being, under its superintendence, all such things as may lawfully be done by a guardian.

22. The Court of Wards may pass such orders as it thinks fit in respect of the custody and residence of any Government ward whose person is, for the time being, under its superintendence, and, when he is a minor, in respect of his education.

23. The Court of Wards may, from time to time, determine what sums shall be allowed in respect of the expenses of any Government ward and of his family and dependants.

24. The Court of Wards, or the manager (if any) appointed by it under this Act, shall manage the property of every Government ward under its superintendence or under his management diligently and

faithfully for the benefit of the Government ward, and shall in every respect act to the best of its or his judgment for the Government ward's interest as if the property were its or his own.

[18.]

25. The Court of Wards may let the whole or any part of the property of any Government ward under its superintendence, and may, with the previous sanction of the Local Government, mortgage, sell or exchange the whole or any part of such property, and may do all such other acts as it may judge to be best for the benefit of the property and the advantage of the Government ward.

[New.
Cy. Act
XIV of 1882,
s. 424.]

26. No suit relating to the person or property of any Government ward shall be brought in any Civil Court until the expiration of two months after notice in writing, stating the name and place of abode of the intending plaintiff, the cause of action and the relief claimed, has been delivered to, or left at the office of, the Court of Wards; and the plaint shall contain a statement that such notice has been so delivered or left:

Provided that notice under this section shall not be required in the case of any suit the period of limitation for which will expire within three months from the date of a notification issued under section 10, subsection (1).

[19.]

27. In every suit brought by or against a Government ward, the manager of the ward's property or, if there is no manager, the Court of Wards having the superintendence of the ward's property shall be named as the next friend or guardian for the suit, as the case may be.

[20.]

28. If, in any suit brought by or against a Government ward, any Civil Court decrees any cost against the Government ward's next friend or guardian for the suit, the Court of Wards shall cause the costs to be paid out of any property of the Government ward which may, for the time being, be in its hands.

29. Every process which may be issued out of any Civil or Revenue Court against any Government ward shall be served on the Government ward's next friend or guardian for the suit.

[21.]

30. No suit shall be brought, and no appeal in any suit shall be preferred, on behalf of any Government ward unless it is authorized by an order in writing of the Court of Wards:

Provided as follows:

(1) a manager may authorize a plaint to be filed in order to prevent a suit from being barred by the law of limitation, but the suit shall not afterwards be proceeded with except under the sanction of the Court of Wards;

(2) a suit for arrears of rent may be brought on behalf of a Government ward if authorized by an order of the manager of the property on which the rent is due.

31. (1) A Government ward shall be incompetent to transfer or create any charge on, or interest in, his property or any part thereof (except such interests as may be created by a will made in accordance with section 32), or to enter into any contract which may involve him in pecuniary liability; and no suit shall be brought in any Civil Court whereby to charge any person upon any promise made after he has ceased to be a Government ward to pay any debt contracted during the period when he was a Government ward, or upon any ratification made after he has ceased to be a Government ward of any promise or contract made during the period aforesaid, whether there is or is not any new consideration for such promise or ratification.

Disabilities of a Government ward.

(2) Nothing in this section shall be deemed to effect the capacity of a Government ward to enter into a contract of marriage:

Provided that a Government ward shall not incur, in connection with such a contract, any pecuniary liability, except such as, having regard to the personal law to which he is subject and to his rank and circumstances, the Court of Wards may, in writing, declare to be reasonable.

32. No adoption by a Government ward, and no written or verbal permission to adopt given by a Government ward or will made by a Government ward, shall be valid without the consent of the Local Government obtained, either previously or subsequently to the adoption or to the giving of the permission, or the making of the will, on application made to it through the Court of Wards.

33. Whenever, on the death of any Government ward, the succession to his property or any part thereof is disputed, the Court of Wards may, with the previous sanction of the Local Government, either direct that the property or the part thereof be made over to any person claiming the property, or retain the superintendence of the property until one of the claimants has established his claim to the same in a competent Civil Court or institute a suit of interpleader against all the claimants.

34. (1) The Court of Wards may, with the sanction of the Local Government, at any time withdraw its superintendence from the person or property, or both, of a Government ward and shall withdraw its superintendence as soon as,—

(a) in the case of a person disqualified under clause (a) of section 5, subsection (1), he attains his majority;

(b) in the case of a person disqualified under clause (b) of the same, he ceases to be of unsound mind and incapable of managing his affairs;

(c) in the case of a person disqualified under sub-clause (i) of clause (c) of the same, his physical or mental defect or infirmity is removed or ceases:

Provided as follows:

(i) whenever a Government ward dies or ceases to be disqualified and his property is still encumbered with debts

[22.]

[23.]

[24.]

[25.]

and liabilities, the Court of Wards may, with the previous sanction of the Local Government, either release such property or retain it under its superintendence until such debts and liabilities have been discharged; and,

- (ii) if one or more of the proprietors of a property remain disqualified, although another or others may have ceased to be disqualified, the Court of Wards may, with the previous sanction of the Local Government, retain the whole of the property under its superintendence, paying any proprietor who has ceased to be disqualified, the surplus income accruing from his share of the estate.

(2) Where any question arises as to whether the superintendence of the Court of Wards should be withdrawn from any person or property, or both, under clause (a), or from any property under clause (c) of sub-section (1), the decision of the Local Government thereon shall be final, and no suit shall be brought in any Civil Court in respect of such decision.

[New.]

35. (1) Where, in exercise of the power of Appointment conferred by section 34, guardian in certain the Court of Wards cases, decides to withdraw its superintendence from the person and property of any minor, it shall, before such withdrawal, by an order in writing, appoint some person to be guardian of the person or property, or both, of the minor, and such appointment shall take effect from the date of such release.

[111 of 1890.]

(2) In appointing a guardian under this section, the Court of Wards shall be guided by the provisions of the Guardian and Wards Act, 1890; and every guardian so appointed shall have, and be subject to, the same rights, duties and liabilities as if he had been appointed under that Act.

[New.]

36. Where the Court of Wards withdraws its superintendence from any person or property notified in Gazette, under this Act, the fact of such withdrawal shall be notified in the local official Gazette.

[27.]

37. An appeal shall lie from every order passed under this Act, whether original or on appeal,—

- (a) if the order is that of a Commissioner, to the Local Government;
(b) if the order is that of a Deputy Commissioner, to the Commissioner;
(c) in all other cases, to the Deputy Commissioner:

Provided that in no case shall a third appeal lie.

[28.]

38. All orders or proceedings under this Act shall be subject to the Control of Local Government. supervision and control of the Local Government; and the Local Government may, if it thinks fit, revise, modify or reverse any such order or proceeding, whether an appeal is presented against any such order or proceeding or not.

[29.]

39. No suit shall be brought in any Civil Court in respect of the exercise of any discretion conferred by this Act.

Exercise of discretion not to be questioned in Civil Court.

40. (1) The Local Government may make Power for Local rules to carry out the purposes and objects of this Act. Government to make rules.

[30.]

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the matters to which regard should be had in appointing or removing guardians and managers, and in fixing their remuneration;
(b) regulate the amount of security to be given by managers;
(c) prescribe the cases in which proposals or arrangements connected with the administration of the properties of Government wards shall be reported for the sanction of the Local Government;
(d) prescribe the accounts and other returns which, and the periods and form at and in which, they shall be rendered to the Court of Wards and by the Court of Wards to the Local Government;
(e) regulate the custody of securities and title-deeds belonging to the estate or property of a Government ward;
(f) regulate the procedure in inquiries by, and in appeals from orders of, the Court of Wards under this Act, and fix the periods of limitation which shall apply to such appeals;
(g) confer upon the Court of Wards for the purposes of this Act any of the powers exercised by a Civil Court in the trial of suits;
(h) prescribe the mode in which powers delegated to managers are to be notified for the information of persons concerned; and,
(i) generally, prescribe the manner in which the powers and duties of the Court of Wards under this Act shall be exercised and performed.

(3) All rules made under this section shall be published in the local official Gazette, and shall on such publication have effect as if enacted by this Act.

41. The enactments mentioned in the schedule are repealed to the extent specified in the fourth column thereof.

[12.]

THE SCHEDULE.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1885	XVII	The Central Provinces Government Wards Act, 1885.	The whole.
1890	VIII	The Guardians and Wards Act, 1890.	So much of section 2 and the schedule as relates to Act XVII of 1885.
1891	XII	The Repealing and Amending Act, 1891.	So much as relates to Act XVII of 1885.

J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill further to amend the Punjab Courts Act, 1884, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 27th September, 1899:

WE, the undersigned, Members of the Select Committee to which the Bill further to

From Hon'ble Rai Bahadur Madan Gopal, Barrister-at-Law, dated 27th August, 1899, and enclosure [Papers No. 1].

From Government, Punjab, No. 910-S, dated 28th August, 1899, and enclosures [Papers No. 2].

From ditto, No. 953-S, dated 31st August, 1899, and enclosure [Papers No. 3].

Office Memo. from Private Secretary to the Viceroy, No. 780, dated 29th August, 1899, and enclosed memorial from the Punjab Chief Court Bar Association, dated 24th idem [Papers No. 4].

Memorial of the Citizens of Lahore assembled at a general meeting held on the 13th August, 1899 [Papers No. 5].

From Government, Punjab, No. 966-S, dated 1st September, 1899, and enclosed memorial from the "Anjuman-i-Islamia", Lahore, dated 23rd August, 1899 [Papers No. 6].

Memorial of the Dera-Ismail-Khan Bar Association, dated and September, 1899.*

Memorial of the Dharmasala Bar Association, dated 5th September, 1899.*

amend the Punjab Courts Act, 1884, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. *Clause 2.*—In accordance with a suggestion made by the Local Government we have added words to the proviso which this clause adds to section 39 of the Act, declaring that the Court of a District Judge to whom an appeal has been preferred in pursuance of a notification under the section, shall be deemed to be a Divisional Court for the purpose of any appeal so preferred. It will thus be clear that a further appeal will lie from the appellate decrees of District Judges in such cases, in the same way and within the same period of limitation as in cases where the Divisional Court is the first appellate authority.

3. *Clause 3.*—We have simplified the new section 40, which this clause inserts in the Act, by combining clauses (a) and (c) and classifying small causes and unclassified suits in one category. We have thus provided for further appeals unconditionally in the case of the former as well as of the latter suits, wherever the value of the suit is two-thousand-five-hundred rupees or upwards. It has been represented to us that the number of small causes of this value is not large and that no material increase of work will be thrown on the Chief Court by allowing unconditional appeals in such cases. We have also added the words "or the decree involves directly some claim to a question respecting property of like value" to sub-clause (ii) of clause (a) and to both the sub-clauses of clause (b) where they should have been originally inserted.

* Not printed as a paper to the Bill, as it is identical with the memorial printed in Papers No. 4.

4. We have also added a new subsection to the same section, declaring that the provisions contained in Chapter XLI of the Code of Civil Procedure (Of Appeals from Original Decrees) shall apply to further appeals under this section and to the execution of decrees passed in such appeals. There is, at present, no law prescribing the procedure to be followed in the case of further appeals under the Punjab Courts Act, but the practice has been to follow that prescribed by Chapter XLI of the Code for appeals from original decrees. The object of our addition is to confirm and establish this practice.

5. *Clause 5.*—This clause is new. It has been represented to us that section 568 of the Code of Civil Procedure which provides for the production of additional evidence in appellate courts does not confer sufficiently wide powers on such courts in the Punjab, where important questions of custom are often imperfectly inquired into in the first instance and it is found necessary to have a fuller investigation. It is therefore proposed to amend the section for the Punjab by empowering appellate courts in that province to order further inquiry in any case in which they consider further inquiry necessary on any issue or question of fact. This provision will, we understand, only give effect to existing practice which has not at present the authority of law.

6. *Clause 6 (formerly clause 5).*—The words "of general interest" which occur in clause (b) of the new section 70, which this clause inserts in the Act, have been a good deal criticized, and we agree that they are too vague and indefinite. We think that the most satisfactory course will be to leave it to the discretion of the Court to decide whether a question of law or custom is of sufficient importance to justify the Court in granting an application under this clause. We further think that the Court should have power to stop an application when it is of opinion that the question raised was rightly decided by the lower Court, and we have amended the clause so as to give effect to these views.

In the first proviso to this clause now numbered (i), we have substituted "ninety" for "thirty" days as the period of limitation for applications under clause (b), as we agree with the Local Government that there is not sufficient ground for retaining a special rule of limitation for such applications.

We have also added three new provisos to this clause.

The object of the first of these (numbered ii) is to exclude from the scope of clause (b) small causes under the value of one thousand rupees and unclassified suits under the value of two hundred rupees, which should not, we think, be open to revision under the clause.

The object of the second new proviso numbered (iii) is to restrict the Court, when revising a decision on an application under clause (b), to the particular question of law or custom in respect of which the application was granted. We do not think that in such cases the Court should be at liberty to revise the decision of the lower Court generally.

The object of the third new proviso (numbered iv) is to require the Chief Court to follow the appellate procedure prescribed by the Code when dealing with the matter of an application under clause (b) which it has admitted. This is a material alteration in the Bill, its practical effect being to give a second appeal, limited to the particular question of law or custom in respect of which the application has been made, in every case in which an application under clause (b) may be admitted.

Lastly, we have added an explanation to the same clause to make it clear that a question of procedure is not a "question of law or custom" within the meaning of the clause.

7. The publication ordered by the Council has been made as follows :

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	29th July, 1899.
Punjab Government Gazette	3rd August, 1899.

In the Vernacular.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Punjab	Urdu	Not reported.

8. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. M. RIVAZ.

T. RALEIGH.

P. SURAJ KAUL.

P. C. CHATTERJEE.

The 26th September, 1899.

No. II.

A Bill further to amend the Punjab Courts Act, 1884.

WHEREAS it is expedient further to amend the Punjab Courts Act, 1884; It is hereby enacted as follows :

1. (1) This Act may be called the Punjab Courts Act, 1899; and

(2) It shall come into force at once.

2. To section 39 of the Punjab Courts Act, 1884, as amended by the Punjab Courts Act, 1888, the following proviso shall be added, namely :

"Provided that the Chief Court may, with the previous sanction of the Local Government, by notification in the local official Gazette, direct that appeals lying to the Divisional Court under clause (c) from all or any of the decrees passed in an original suit by any Munsif or Subordinate Judge shall be preferred to such District Judge as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly and the Court of such District Judge shall be deemed to be a Divisional Court for the purposes of all appeals so preferred."

3. For sections 40 and 41 of the Punjab Courts Act, 1884, as amended by the Punjab Courts Act, 1888, the following sections shall be substituted, namely :

"40. (1) A further appeal shall lie to the Chief Court in any of the following cases from an appellate decree of a Divisional Court on any ground which would be a good ground of appeal if the decree had been passed in an original suit, namely :

(a) in a small cause or unclassified suit,—

(i) if the value of the suit is one-thousand rupees or upwards, or the decree involves directly some claim to, or question respecting, property of like value, and the decree of the Divisional Court varies or reverses otherwise than as to costs the decree of the Court below; or

(ii) if the value of the suit is two-thousand-five-hundred rupees or upwards or the decree involves directly some claim to, or question respecting, property of like value:

(b) in a land suit,—

(i) if the value of the suit is two-hundred-and-fifty rupees or upwards or the decree involves directly some claim to, or question respecting, property of like value and the decree of the Divisional Court varies or reverses otherwise than as to costs the decree of the Court below; or

(ii) if the value of the suit is one-thousand rupees or upwards or the decree involves directly some claim

to, or question respecting, property of like value.

"(2) The provisions contained in Chapter XLI of the Code of Civil Procedure as amended by this Act shall apply, as far as may be, to further appeals under this section and to the execution of decrees passed on such appeals.

"41. Subject to the provisions of sections 40 and 70 of this Act and to those of section 595 of the Code of Civil Procedure, an appellate decree of a District Judge or Divisional Court shall be final."

4. In section 43 of the Punjab Courts Act, 1884, the proviso to sub-section (2) is hereby repealed.

5. After section 67 of the Punjab Courts Act, 1884, the following section shall be inserted, namely :

"68. Section 568 of the Code of Civil Procedure, in its application to the territories to which this Act extends, shall be read subject to the following additions, namely,—

(1) at the end of clause (b) the words and letter "or (c) the Appellate Court considers further inquiry necessary on any issue or question of fact", and

(2) after the words "or witness to be examined" the words "or such inquiry to be made".

6. For sections 70 and 71 of the Punjab Courts Act, 1884, the following sections shall be substituted, namely :

"70. (1) The Chief Court may call for the record of any case in which no appeal lies to it, and may pass such order in the case as it thinks fit,—

(a) if the Court, by which the case was decided, appears to have exercised a jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of its jurisdiction with material irregularity; or

(b) if, on application made to it the Chief Court is of opinion that there is an important question of law or custom involved and that such question requires further consideration :

"Provided as follows—

(i) no application under clause (b) shall be admitted after the expiration of ninety days from the date of the order in respect of which the application is made, unless the applicant satisfies the Chief Court that he had sufficient cause for not making the application within that period:

(ii) no such application shall be admitted in a small cause under the value of one thousand rupees or in an unclassified suit under the value of two hundred rupees :

(iii) on any such application the Chief Court shall not revise the decision of the Court below except in so far as such decision involves the question of law or custom in respect of which the application has been admitted: and

(iv) when any such application has been admitted, the Chief Court shall, subject to the last foregoing proviso, treat the matter of the application as if it were an appeal.

"Explanation.—A question of procedure is not a question of law or custom within the meaning of clause (b).

"(2) In computing the period of limitation aforesaid, the provisions of the Indian Limitation Act, 1877, shall be deemed to apply.

"(3) Section 622 of the Code of Civil Procedure, in so far as it applies to the territories to which this Act extends, is hereby repealed.

"71. In the first schedule to the Court-fees Act, 1870, after No. 12, the following shall be inserted, namely:

<p>72. Application to the Chief Court in the Punjab for the exercise of its jurisdiction under section 70 of the Punjab Courts Act, 1884, as amended by the Punjab Courts Act, 1893.</p>	<p>When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees.</p> <p>When such amount or value exceeds twenty-five rupees</p>	<p>Two rupees.</p> <p>XVIII 1884.</p> <p>The fee leviable on a memorandum of appeal."</p>
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7. In section 72 of the Punjab Courts Act, XVIII 1884, for the words and figures "under section 622 of the Civil Procedure Code", the words and figures "under section XIV of 1884" shall be substituted.

J. M. MACPHERSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 27th September, 1899:

NO. 21 OF 1899.

A Bill to amend the law relating to agricultural land in the Punjab.

WHEREAS it is expedient to amend the law relating to agricultural land in the Punjab; It is hereby enacted as follows:

Preliminary.

Short title, extent and commencement.

1. (1) This Act may be called the Punjab Alienation of Land Act, 1900.

(2) It extends to all the territories for the time being administered by the Lieutenant-Governor of the Punjab; and

(3) It shall come into force

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(1) The expression "agriculturist" means a person who, either in his own name or in the name of his agnate ancestor, was recorded as the owner of land or as a hereditary tenant in any estate at the first regular settlement:

Provided that the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, extend this definition so as to include any persons or classes of persons in

any part of the territories to which this Act applies.

(2) The expression "district" means a district as defined for the purposes of the Punjab Land-revenue Act, 1887:

XVII of 1887.

Provided that the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, extend or restrict this definition in any particular case.

(3) The expression "land" means land which is not occupied as the site of any building in a town or village and is occupied or let for agricultural purposes or for purposes subservient to agriculture or for pasture, and includes the sites of buildings and other structures on such land; and

[G., Punjab Tenancy Act, 1887, s. 4 (1).]

(4) The expression "Deputy Commissioner" includes any person authorized by the Local Government to exercise the powers of a Deputy Commissioner.

Permanent Alienation of Land.

3. (1) A person who desires to make a permanent alienation of his land shall be at liberty to make such alienation on obtaining the sanction of a

Revenue-officer.

(2) Such sanction shall be given in all cases where—

(a) the alienor is not a member of an agricultural tribe;

(b) the alienor is a member of an agricultural tribe and the alienee is an agriculturist holding land as owner or as occupancy-tenant in the village where the land alienated is situated;

(c) the alienor is a member of an agricultural tribe and the alienee is a member of the same tribe residing in the district where the land alienated is situated.

(3) Except in the cases provided for by sub-section (2), the Revenue-officer shall inquire into the circumstances of the proposed alienation and shall have discretion to grant or refuse the sanction applied for.

(4) In the cases provided for by sub-section (2) the application for sanction shall be made to such Revenue-officer as the Local Government may determine. In all other cases the application shall be made to such Revenue-officer, not lower in rank than Deputy Commissioner, as the Local Government may determine.

4. The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, determine for each district what bodies of persons therein are to be deemed to be agricultural tribes for the purposes of this Act.

5. Where a Revenue-officer sanctions a permanent alienation of land, Saving for rights of pre-emption. no right of pre-emption subsisting in respect of such land shall be taken away or otherwise affected by such sanction.

Temporary Alienations of Land.

6. (1) A person may make a temporary alienation of his land by way of mortgage in either of the following forms:—
Two forms of mortgage only permitted.

(a) in the form of a usufructuary mortgage, by which the mortgagor delivers possession of the land to the mortgagee and authorizes him to retain such possession and to receive the rents and profits of the land in lieu of interest and towards payment of the principal on condition that after the expiry of the period agreed on, or (if no period is agreed on, or if the period agreed on exceeds fifteen years) after the expiry of fifteen years, the land shall be re-delivered to the mortgagor, and the mortgage-debt shall be extinguished:

Any condition attached to any such usufructuary mortgage by which any legal or customary obligation of the landlord in respect of the land mortgaged is imposed on the mortgagor during the currency of the mortgage, or by which the right of the mortgagor to redeem the property at any time during the currency of the mortgage is barred or restricted, shall be null and void.

(b) in the form of a mortgage without possession, subject to the condition that, if the mortgagor fails to pay according to his contract, the mortgagee shall have the right to claim a usufructuary mortgage in form (a), but shall not have any other remedy against the land mortgaged: such usufructuary mortgage to take effect from the date on which the mortgagee is placed in possession of the land and to remain in effect for such term not exceeding fifteen years as the Revenue-officer, on the application of the mortgagor, may deem to be equitable, and to be for such sum as may be due to the mortgagee on account of the balance of principal due and of interest

due (not exceeding the amount claimable as simple interest for three years on the original debt).

(2) If any person has, before the commencement of this Act, made a mortgage of his land by way of conditional sale, or shall, after the commencement of this Act, make any mortgage of his land not permitted by the Act, such mortgage shall be null and void:

Provided that the Revenue-officer, on the application of the mortgagor or the mortgagee, may order the mortgagor to execute a usufructuary mortgage as permitted by sub-section (1) for the term of fifteen years, or for such less term as the Revenue-officer considers equitable.

(3) Applications under this section shall be made to such Revenue-officer, not lower in rank than a Deputy Commissioner, as the Local Government may determine.

7. Any person may make a lease of his land for a term of fifteen years Limitation on leases. if the lessor shall so long live, and any such lease made by any person for a longer term shall be deemed to be a lease for the term permitted by this section.

8. A person who has made a mortgage or a lease of his land in any form permitted by this Act shall not be at liberty to make any further temporary alienation of his land during the currency of such mortgage or lease.

9. (1) If a mortgagee or lessee remains in possession after the expiry of the term for which he is entitled to hold under his mortgage or lease the Revenue-officer may, of his own motion or on the application of the person entitled to possession, eject such mortgagee or lessee and place the person so entitled in possession.

(2) The power conferred by this section shall be exercised by a Revenue-officer not lower in rank than Deputy Commissioner.

General Provisions.

10. (1) No person shall be at liberty to make any permanent alienation of his land unless in manner permitted by this Act.
No permanent alienation except as permitted by Act.

(2) Any such permanent alienation made without the sanction required by this Act shall take effect as a usufructuary mortgage on the conditions prescribed by section 6, sub-section (1), clause (a).

11. Every instrument or agreement whereby Hypothecation of an agriculturist purports to hypothecate the produce of his land or any part of, or share in, such produce shall be void.
Produce by agriculturist forbidden.

Explanation.—The produce of land means—

- (a) crops and other products of the earth standing or ungathered on the holding; Produce
- (b) crops and other products of the earth which have been grown on the land and have been reaped or gathered and are Tea

deposited on the land, or on a threshing-ground, or within the village in which the land is situate or the agriculturist resides.

[Cf. Dekkhan
Agricultur-
ists' Relief
Act, 1879, s.
22.]

12. No land shall be sold in execution of any decree or order, whether passed before or after the commencement of this Act.

13. No instrument which contravenes the provisions of this Act shall be admitted to registration.

Registration forbid-
den in certain cases.

14. (1) An appeal shall lie from the order of a Revenue-officer granting or refusing sanction to a permanent alienation of land or dealing with an application under section 6.

Appeals.

(2) If the order is that of a Tahsildar or other Revenue-officer lower in rank than a Deputy Commissioner, the appeal shall lie to the Deputy Commissioner; if it is the order of a Deputy Commissioner, to the Commissioner; if it is the order of a Commissioner, to the Financial Commissioner.

(3) Except as provided by this section, no proceedings shall be taken to question the validity of any order made by a Revenue-officer under this Act.

15. The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, exempt any district or part of a district or any person or class of persons from the operation of this Act or of any of the provisions thereof.

Exemption.

16. (1) The Local Government may make rules for carrying into effect the provisions of this Act;

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing provision the Local Government may make rules prescribing the Revenue-officers to whom applications may be made, and the manner and form in which such applications shall be made and disposed of.

STATEMENT OF OBJECTS AND REASONS.

The object of this measure is to place restrictions on the transfer of agricultural land in the Punjab with a view to checking its alienation from the agricultural to the non-agricultural classes.

The expropriation of the hereditary agriculturist in many parts of the Province through the machinery of unrestricted sale and mortgage has been regarded for years past as a serious political danger. It is recognized that the danger is accompanied with bad economic results, that it is increasing, and that, if not arrested, it will grow to formidable dimensions. It is also recognized that the idea of a free transferable interest in land which is at the root of the trouble, is of comparatively modern origin and is contrary both to the existing practice in most Native States and to the traditions and sentiment—if no longer to the practice—of the people of the Punjab. After the most careful consideration of the subject in communication with the Local Government and Her Majesty's Secretary of State, the Government of India have come to the conclusion that direct remedial measures must be undertaken.

The Bill extends to the whole Province, but power is taken—see clause 15—to exempt any district or part of a district or any person or class of persons from the operation of any or all of its provisions.

To every permanent alienation of agricultural land the sanction of a Revenue-officer is made necessary by clause 3, read with clause 10, of the Bill. Such sanction is to be given as a matter of right where the alienor is not a member of an agricultural tribe, or where a member of an agricultural tribe alienates to an agriculturist in the same village, or to another member of his own tribe residing in the district. In any other case inquiry is to be made by a Revenue-officer, not lower in rank than a Deputy Commissioner, into the circumstances of the proposed alienation, and sanction will be given or refused by the officer at his discretion, guided, however, by rules made by the Local Government under clause 16, and a single appeal is, under clause 14, to lie from his decision. The Local Government, with the previous sanction of the Governor General in Council, will, under clause 4, define for each district its "agricultural tribes", and may in this connection give to the term "district" an enlarged or restricted significance—see clause 2 (2).

Clause 6 of the Bill is intended to reduce temporary alienations of agricultural land to two forms of mortgage—(1) a usufructuary mortgage for not more than fifteen years, after which the mortgage is to be extinguished and the land is to revert to the owner; (2) a mortgage without possession, convertible into a usufructuary mortgage for a period not exceeding fifteen years. During the currency of a mortgage or lease, the debtor is, under clause 8, to be barred from entering into

a further mortgage or lease, and under clause 9, he may, on the expiry of the term of the mortgage or lease, be put into possession of his land by the Revenue-officer. Clause 12 will prohibit the sale of agricultural land in execution of an existing or future decree of the Civil Courts.

Mortgages by way of conditional sale (*bai bil wafa*), whether made before or after the commencement of the Act, are to be void—see clause 6 (2). It is considered that the claims of a creditor will be sufficiently met by power being given to the Revenue-officer to convert such a mortgage, on the application of the mortgagor or mortgagee, into a usufructuary one.

Lastly, the practice of hypothecating the produce, or any part of the produce, of agricultural land by an agriculturist will be forbidden by clause 11.

The 26th September, 1899.

C. M. RIVAZ.

J. M. MACPHERSON,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 14, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 13th October, 1899:

NO. 22 OF 1899.

[The marginal references are to the sections of Act I of 1882, as amended by Acts XII of 1891, VII of 1893 and V of 1897.]

A Bill to consolidate and amend the law relating to Emigration to the labour-districts of Assam.

WHEREAS it is expedient to consolidate and amend the law relating to emigration to the labour-districts of Assam; It is hereby enacted as follows:

CHAPTER I.

PRELIMINARY.

[1.] 1. (1) This Act may be called the Assam Labour and Emigration Act, 1900.

Short title, extent and commencement.

(2) It extends—

(a) to the Provinces of Bengal, (including the Santhál Parganas), the North-Western Provinces, Oudh and Assam, the Central Provinces and the district of Ganjam in the Province of Madras; and

(b) to such other parts of the Province of Madras as the Local Government may,

with the previous sanction of the Governor General in Council, by notification in the Fort St. George Gazette, direct.

(3) It shall come into force—

(i) in the territories mentioned in clause (a) of sub-section (2), at once; and

(ii) in any territories to which it may be extended by a notification under clause (b) of the said sub-section, on such day as may be specified in that behalf in the notification.

2. (1) In this Act, unless there is anything repugnant in the subject or context,—

[3.]

(a) "Assistant Inspector" means an Assistant Inspector of Labourers appointed under this Act:

(b) "contractor" means a contractor licensed under this Act:

(c) "dependant" includes any women (not being a labourer), any child and any aged or incapacitated relative or friend accompanying any labourer with the consent of a contractor, sub-contractor, recruiter, local agent or garden-sardar:

(d) "emigrate" denotes the departure of any native of India (not being a native of a labour-district) of the age of sixteen years or upwards from any part of the territories in which this Act may for the time being be in force, for the purpose of labouring for hire in a labour-district otherwise than as a domestic servant:

(e) "employer" means the chief person for the time being in charge of any estate upon which labourers or more than fifty other persons are employed:

(f) "estate" means the land upon which any labourers or more than fifty other persons have been engaged to labour:

(g) "Inspector" means an Inspector of labourers appointed under this Act:

(h) "labour-contract" means a contract entered into under this Act, to labour for hire in a labour-district otherwise than as a domestic servant:

(i) "labour-district" means any of the districts of Lakhimpur, Sibsagar, Nowgong, Darrang, Kamrup, Goalpara, Cachar and Sylhet in the Province of Assam:

(j) "labourer" means any person bound by a labour-contract, and includes any person registered as such under section 34 or section 73:

(k) "local agent" means a local agent licensed under this Act:

(l) "Magistrate" means a District Magistrate, Subdivisional Magistrate or other person appointed by the Local Government to perform the functions of a Magistrate under this Act:

(m) "recruiter" means a recruiter licensed under this Act:

(n) "sub-contractor" means a sub-contractor licensed under this Act:

(o) "Superintendent" means a Superintendent of Emigration appointed under this Act: and

(p) "Registering-officer" means a Registering-officer appointed under this Act.

X of 1872.

(q) All words defined in the Indian Contract Act, 1872, and used in this Act shall be deemed to have the meanings respectively assigned to them by that Act.

[5.]

3. (1) The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, prohibit all persons from recruiting, engaging, inducing or assisting any native of India, or any specified class of natives of India, to emigrate from the whole or any specified part of the Province to any labour-district or any specified portion of any labour-district, either absolutely or otherwise than in accordance with the provisions of this Act.

[7.]

(2) Save as provided by sub-section (1), nothing in this Act shall be deemed to prohibit the recruitment of natives of India for emigration to the labour-districts otherwise than in accordance with the provisions of this Act.

[8.]

4. (1) The Local Government may appoint so many persons as it thinks necessary to be Superintendents of Emigration, Registering-officers, Embarkation Agents, Debarkation Agents, Inspectors of Labourers, Assistant Inspectors of Labourers and Medical Inspectors, under this Act respectively, and, with respect to any such officer, may, subject to the control of the Governor General in Council, declare the local area situate in the Province within which he shall exercise the powers and perform the duties conferred and imposed upon him by this Act or any rule thereunder.

(2) Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of

CHAPTER II.

LABOUR-CONTRACTS GENERALLY.

5. (1) Every labour-contract shall be in writing in the form set forth in the first schedule, and shall be executed as hereinafter provided in duplicate on substantial paper.

(2) Every labour-contract shall specify—

(a) the names of the labourer and his employer;

(b) the term for which the labourer is to labour;

(c) the monthly wages in money of the labourer and the price at which rice is to be supplied to him;

(d) the labour-district in which, and, if the labourer so requests, the estate on which, the labourer is to labour.

(3) No labour-contract shall be made for a term exceeding four years or, if the contract is entered into under the provisions of section 120, for a term exceeding one year, commencing from the date of its execution.

(4) No labour-contract shall stipulate for a less rate of monthly wages for a completed daily task regulated in accordance with the provisions of this Act than six rupees in the case of a man and five rupees in the case of a woman.

6. No contract made otherwise than in accordance with the provisions of section 5 shall be enforceable under this Act as a labour-contract against the labourer entering into it.

7. Unless his labour-contract contains a specific obligation to that effect, no labourer shall be bound by it to undertake any work involving underground labour in mines.

8. Unless his labour-contract specifies the particular estate on which he is to labour, a labourer shall be deemed to have contracted to labour on any estate in charge of the employer for whom he has contracted to labour, and situate in the labour-district specified in the contract:

Provided that no labourer shall, without his consent, be separated from his dependants (if any) or from any other labourer, being his or her wife, husband, son or daughter.

9. Notwithstanding anything to the contrary in the Indian Contract Act, 1872, any person of the age of sixteen years or upwards may enter into a labour-contract:

Provided that no woman may enter into a labour-contract without the consent of her husband or lawful guardian (if any).

10. (1) *Where* the Local Government, after

Power of Local Government to cancel contract for wrongful recruitment.

such inquiry as it thinks sufficient, is of opinion that any labourer was recruited

or conveyed to a labour-district, or compelled or induced to enter into a labour-contract, by any coercion, undue influence, fraud or misrepresentation, or that any such irregularity has occurred in connection with his recruitment or the execution of his contract as makes it just to rescind his contract, the Local Government may, by order in writing, direct the labour-contract of the labourer to be cancelled.

(2) On receipt of an order made under subsection (1), the Superintendent, Inspector or Magistrate shall cancel the labour-contract referred to in the order, and shall thereupon make an endorsement that it has been so cancelled on the labourer's copy of the labour-contract, or, if that copy is not forthcoming, shall give to the labourer a certificate to the like effect.

11. *Where* the

Power to cancel contract of labourer related to labourer whose contract is cancelled.

labour-contract of a labourer is or has been cancelled under section 10, the Local Government may, in its discretion and on the

application of the labourer concerned, cancel the labour-contract of any labourer, being the wife, husband, father, mother, son or daughter of the labourer whose labour-contract is or has been cancelled, who may have entered into a labour-contract at the same place with the same employer or, in the case of a labour-contract cancelled in the labour-districts, may be employed on any estate belonging to the same employer.

12. Subject to any orders which the Local

Repatriation of labourers whose contracts cancelled for wrongful recruitment.

Government may make in this behalf, the Superintendent, Inspector or Magistrate may send back to

his native district any labourer, together with his dependants (if any), whose labour-contract has been cancelled under section 10, and may recover the whole or any part of the expenses incurred in so sending him back as follows, namely:

(a) in the case of labourer at a *dépôt*, from the contractor at whose *dépôt* the labourer is;

(b) in the case of a labourer at any other place on the journey to a labour-district, from the employer by whom the certificate of the garden-sardar concerned was granted, or from the local agent of the employer; and,

(c) in the case of a labourer in a labour-district, from the employer on whose estate the labourer is under contract to labour.

13. (1) *Where* a labourer is sent back to his

Escort for repatriated labourer.

native district under section 12, the Superintendent, Inspector or Magistrate may provide an escort or

make such other arrangements as he may think necessary for ensuring that the labourer is actually conveyed to his native district.

(2) Any expenditure incurred in providing such escort or making such arrangements as aforesaid may be recovered as part of the amount expended in sending the labourer back to his native district.

CHAPTER III.

RECRUITMENT BY CONTRACTORS, SUB-CONTRACTORS AND RECRUITERS.

Contractors and sub-contractors.

14. Any Superintendent specially empowered

Licensing of contractors and sub-contractors.

in this behalf by the Local Government may grant to such persons as he thinks

fit licenses to be contractors within the whole or any part of the local area for which the Superintendent has been appointed; and may also, on the application of any contractor, grant to such persons as he thinks fit licenses to be sub-contractors, on behalf of the contractor, within the whole or any part of the local area for which the contractor is licensed.

15. Every license granted under section

Fee for, and form of, contractor's and sub-contractor's licenses.

14 shall be in such form, and subject to the payment of such fee, not exceeding, in the case of a contractor, one hundred rupees, and, in the case of a sub-contractor, fifty rupees, as the Local Government may, by rule, prescribe.

16. (1) No license shall be granted under section

Duration of contractors' and sub-contractors' licenses and cancellation thereof.

14 for a longer period than one year from the date thereof, and, if the licensee fails to comply with any of the provisions of this Act or the rules thereunder, or is guilty of any other misconduct, his license may be cancelled by the Superintendent who granted the same.

(2) A contractor or sub-contractor may, within one month from the date of any order of a Superintendent cancelling his license under subsection (1), appeal against the order to the Local Government, and the decision of the Local Government thereon shall be final.

17. Every contractor shall, in addition to the

Duties of contractors.

special duties imposed upon him by this Act, afford such information to the Superintendent and furnish him with such returns and reports as the Superintendent may, subject to any rules made by the Local Government in this behalf, require.

18. No sub-contractor shall be licensed to act

Sub-contractor to act on behalf of only one contractor.

on behalf of more than one contractor.

19. A contractor or sub-contractor may act as

Contractor or sub-contractor acting as recruiter.

a recruiter, and shall, when so acting, be subject to all the provisions of this Act relating to recruiters.

20. (1) Every contractor shall be liable for

Liability of contractors for sub-contractors' and recruiters' acts and defaults.

the acts and defaults as a sub-contractor or recruiter of any person licensed to be a sub-contractor or recruiter on his behalf, and

all payments which, under this Act or any rule thereunder, any person so licensed is required to make, may, in case of default, be recovered from the contractor concerned.

(2) The Superintendent may cancel the license of any contractor where the license of any person so licensed on behalf of the contractor is liable to be cancelled under this Act.

(9) Nothing in this section shall be deemed to render a contractor criminally liable for any act or default on the part of any person so licensed on his behalf.

[19.] 21. Every contractor shall establish and maintain, at such places as the Local Government may direct, suitable depôts for the reception and lodging, previous to their despatch to the labour-districts, of labourers engaged by him or by sub-contractors or recruiters licensed on his behalf, and shall provide at his own expense all necessary food, clothing and medical treatment for any labourers so engaged during their stay at the depôts.

[20.] 22. (1) No depôt shall be used for the reception and lodging of labourers until it has been inspected and approved of by the Superintendent and the Medical Inspector.

(2) Every depôt shall be under the supervision of the Superintendent, the District Magistrate or such other officer as the Local Government may appoint in this behalf, and shall be open at all times to inspection by the Superintendent, the District Magistrate or such officer as aforesaid, and the Medical Inspector.

(3) Where the Superintendent considers that any depôt is unhealthy, or has become unsuitable for the purpose for which it was established, he may, by order in writing, prohibit the use of the depôt for the reception and lodging of labourers.

[21.] 23. In addition to the depôts hereinbefore provided for, the Local Government may establish separate hospital-depôts for the reception of labourers suffering from dangerously infectious or contagious diseases.

[22.] 24. (1) Where a hospital-depôt is established under section 23, the Local Government may require any contractor having a depôt in the neighbourhood of the hospital-depôt to contribute to the expense of the establishment and maintenance of the hospital-depôt such reasonable sum as it may direct, and may recover the same from the contractor.

(2) Every hospital-depôt established under section 23 shall be under the charge of a medical officer appointed by the Local Government.

(3) Any Medical Inspector may direct the transfer of any labourer from a depôt established within the local limits of his jurisdiction to a hospital-depôt established under section 23 within the said local limits.

Recruiters.

[23.] 25. Any Superintendent empowered in this behalf by the Local Government may, on the application of a contractor or of any sub-contractor acting on behalf of a contractor, grant to such persons as he thinks fit licenses to be recruiters on behalf of the contractor within the whole or any

specified part of the local area for which the contractor has been licensed:

Provided that no person shall be granted a license under this section to be a recruiter on behalf of more than one contractor or to act as such within the local limits of more than one district.

[24.] 26. Every license granted under section 25 Form of, and fee for, shall be in such form, and recruiter's license. subject to the payment of such fee, not exceeding sixteen rupees, as the Local Government may, by rule, prescribe.

[25.] 27. No license shall be granted under section 25 for a longer period than one year from the date thereof; and, if the licensee fails to comply with any of the provisions of this Act or the rules thereunder, or is guilty of any other misconduct, his license may be cancelled by the Superintendent who granted the same.

[26.] 28. Every recruiter shall hold a certificate in Recruiter to hold writing authorizing him to certificate from contract- act as such and signed by or or sub-contractor. the contractor or sub-contractor on whose application he was licensed.

[27.] 29. (1) No recruiter shall in any local area Magistrate's counter- engage or attempt to signature of recruiter's engage any person as a license. labourer unless his license bears the countersignature of a Magistrate having jurisdiction throughout that local area.

(2) No Magistrate shall countersign a recruiter's license unless and until he has satisfied himself by such inquiry as he thinks fit that the licensee is not, by character or from any other cause, unfitted to be a recruiter under this Act, that he holds the certificate prescribed by section 28, and that sufficient and proper accommodation has been provided in a suitable place and is available for such labourers, or persons intending to become labourers, as may be collected by him pending their removal to a depôt.

[28.] 30. (1) Every Magistrate shall have, for the Magistrate to super- supervision, inspection and vise accommodation. regulation of any place within the local limits of his jurisdiction in which accommodation is provided under section 29, sub-section (2), the same powers as are by this Act conferred on the Superintendent in respect of depôts.

(2) The District or Subdivisional Magistrate may authorize any Magistrate subordinate to him, or any officer of police above the rank of sub-inspector, to visit and inspect such places as aforesaid at any time; and all recruiters or other persons in charge of such places as aforesaid shall afford to subordinate Magistrates and officers of police so authorized every facility for visiting and inspecting them.

[29.] 31. (1) Where any Magistrate who has counter- signed a recruiter's license, Cancellation of Magis- afterwards finds reason to think that the licensee is, by character or from any other cause, unfitted to be a recruiter under this Act, or that the accommodation provided under section 29, sub-section (2), has become insufficient or improper or has ceased to be available, or that the place in which it is provided has become unsuitable, he

may require the licensee to produce his license and may cancel his countersignature thereon, or he may impound the license and send it for cancellation to the Superintendent who granted the same.

(2) Every Magistrate refusing to countersign a recruiter's license or cancelling his countersignature thereon shall at once report his refusal or cancellation and the grounds thereof to the Superintendent who granted the license.

Procedure before arrival at depôts.

[30.] 32. (1) Every recruiter who desires to engage any person as a labourer, shall appear with the person before such medical officer as the Local Government may appoint in this behalf within the local limits of the jurisdiction of the Magistrate by whom the recruiter's license was countersigned, or, if no medical officer has been so appointed, before such medical officer as the Registering-officer before whom the person is taken for registration as hereinafter provided, may direct.

(2) The medical officer shall thereupon examine the person, and shall, if satisfied that he is in a fit state of health to proceed to the labour-district in which he intends to labour, and is not incapacitated, by reason of any obvious bodily defect or infirmity, for labour in the labour-districts, give him a certificate to that effect.

[31.] 33. Every person who obtains a certificate under section 32, together with any persons about to proceed to a labour-district as his dependants, shall thereupon be brought by the recruiter before the Registering-officer having jurisdiction within the local area for which the recruiter is licensed, or before such other Registering-officer as the Local Government may appoint for that local area. The recruiter shall, at the same time, produce and show his license to the Registering-officer.

[32.] 34. (1) The Registering-officer shall thereupon inspect the certificate given under section 32 and the license of the recruiter, and, if he finds that the certificate has been duly given and that the recruiter is duly licensed, shall then examine the person brought before him under section 33 with reference to his intended labour-contract, and explain the same to him.

(2) Where it appears that the person so brought before the Registering-officer is competent to enter into the intended labour-contract, and understands the same as regards the locality, the period and nature of the service, and the rate of wages and the price at which rice is to be supplied to him, that the terms thereof are in accordance with law, that he has not been induced to agree to enter therein by any coercion, undue influence, fraud, misrepresentation or mistake, and that he is willing to fulfil the same, the Registering-officer shall register, in a book to be kept for the purpose, such particulars regarding him and the persons (if any) whom he wishes to have registered as his dependants,

as the Local Government may, by rule, prescribe; and the labourer and his dependants (if any) shall thereupon be deemed to be registered under this Act.

35. (1) Where the Registering officer refuses to register a person as a labourer under this Act, he shall report his refusal to the District or Subdivisional Magistrate or other officer appointed by the Local Government in this behalf, and such Magistrate or officer as aforesaid may make such arrangements as he may think necessary for ensuring the return of the person and his dependants (if any) to their homes and for their proper housing and support in the interval. In the case of any male under the age of sixteen years or of any female recruited in circumstances which appear to be suspicious, the arrangements may include the provision of an escort home.

(2) Any expenditure incurred under sub-section (1) may be recovered from the contractor or recruiter concerned, or both.

36. The Registering-officer shall furnish to every person registered under section 34, sub-section (2), a certified copy written on substantial paper of the particulars referred to therein. [33.]

37. Every Registering-officer registering a person under section 34, sub-section (2), shall forthwith forward a certified copy of the particulars referred to therein and the original certificate of the medical officer regarding the person to the Superintendent having jurisdiction over the depôt to which the person is to proceed. [34.]

38. For every person produced before a Registering-officer for the purpose of being registered under section 34, sub-section (2), the recruiter shall pay to the Registering-officer such fee, not exceeding one rupee, as the Local Government may, by rule, prescribe. [35.]

39. No recruiter shall remove or attempt to remove any person to a depôt, or induce or attempt to induce him to go to a depôt, or to leave the local limits of the jurisdiction of the Registering-officer before whom he ought to be brought under section 33, or aid or attempt to aid him in going to a depôt, or leaving any such local limits as aforesaid, unless and until he has been registered under section 34, sub-section (2). [35.]

40. (1) Every labourer shall after he has been registered under section 34, sub-section (2), be conveyed with all convenient despatch by the recruiter by whom he has been engaged, to the depôt established by the contractor on whose behalf the recruiter has been licensed. [37.]

(2) Every labourer shall, while proceeding to the depôt, be accompanied throughout the journey either by the recruiter himself, or by a competent person deputed by him with the approval of the Registering-officer by whom the labourer has been registered.

(3) The Registering-officer shall give to every person so deputed a certificate, under his signature, stating that he has been deputed for the journey to the depôt.

- [33.] 41. Every recruiter or person deputed by him to provide food and lodging for labourer on journey. *under section 40, sub-section (2), shall, throughout the journey to the depôt, provide the labourer and his dependants (if any) with proper and sufficient food and lodging.*

Procedure at contractors' depôts.

- [39.] 42. Within twenty-four hours after the arrival of a labourer at a depôt, the contractor by whom the depôt is maintained, or the person in charge thereof, shall give to the Superintendent within the local limits of whose jurisdiction the depôt is situate, a notice in writing, in such form and containing such particulars as the Local Government may, by rule, prescribe, of the arrival of the labourer.

- [40.] 43. (1) The Medical Inspector shall, as soon as may be after the arrival of a labourer at a depôt, examine the labourer and his dependants (if any) to ascertain that they are in a fit state of health to undertake the journey to the labour-district to which they intend to proceed, and, in the case of the labourer, that he is also not incapacitated, by reason of any obvious bodily defect or infirmity, for labour in the labour-districts.

(2) The Medical Inspector shall give a certificate to the Superintendent stating whether he is or is not satisfied that the labourer and his dependants (if any) are in a fit state of health to undertake the journey, and, in the case of the labourer, that he is also not incapacitated as aforesaid.

- [41.] 44. Where the Medical Inspector gives a certificate of fitness under section 43, sub-section (2), with respect to any labourer, and there is, in the opinion of the Superintendent, no valid reason why the labourer should not enter into the intended labour-contract, the labourer and the employer with whom he intends to contract, or the agent of the employer, shall, after the lapse of three, and within thirty, days after the date of the arrival of the labourer at the depôt, execute the labour-contract in the presence of the Superintendent:

Provided that no labour-contract shall be executed as aforesaid except in the district in which the labourer was recruited, or at such other place within the Province as the Local Government may direct.

- [42.] 45. (1) Before any labourer executes a labour-contract, under section 44, the Superintendent shall personally explain it to him, and shall, after the same has been executed by him and by his employer or the agent of his employer, attest the labour-contract and certify at the foot thereof that he has personally explained the same to the labourer.

(2) An abstract of every labour-contract so executed shall be entered in a register to be kept by the Superintendent for the purpose; and, after the abstract has been so entered, one copy of the labour-contract shall be given to the labourer and the other to his employer or the agent of his employer.

46. Where the employer with whom any labourer intends to contract, or the local agent of the employer, has given notice to the Superintendent that, before any labour-contract is entered into by him or on his behalf with any labourer, the labourer shall be examined by a competent medical man and certified by him to be in a fit state of health and able in point of physical condition to reside and labour for hire in the labour-district in which the estate of the employer is situate, the Superintendent shall not permit the labourer to execute a labour-contract, until such medical certificate as aforesaid has been produced and shown to him.

47. Where the employer or his local agent has directed that the examination referred to in section 46 shall be made by a medical officer in the service of the Government, such office as aforesaid making the examination shall be entitled to receive from the employer or the agent such fee for each labourer so examined as the Local Government may direct.

48. In any of the following cases, namely:

(a) where the Medical Inspector, on making the examination required by section 48, sub-section (1), or at any subsequent time during the stay at the depôt of a labourer, finds that the labourer is or has become unfit to undertake the journey to the labour-district to which he intends to proceed, or that the labourer is incapacitated, by reason of any obvious bodily defect or infirmity, for labour in the labour-districts, and the Superintendent considers that the labourer has not dishonestly represented himself as fit to undertake the journey; or

(b) where the Superintendent finds that any such irregularity has occurred in the recruitment or treatment by the recruiter of a labourer as makes it just to refuse to permit a labour-contract to be executed or to rescind a labour-contract which has been executed; or

(c) where the contractor on whose behalf or by whom a labourer has been registered, does not, after the lapse of three, and within thirty, days after the date of the arrival of the labourer at the depôt, tender to him a labour-contract for execution under section 44, or the employer or his agent refuses or neglects to execute the contract as required by that section;

the Superintendent may cancel the labour-contract executed by the labourer, and in that event or if no labour-contract has been executed, may order the contractor at once to pay the

labourer such reasonable sum as the Superintendent may think necessary to enable the labourer to return to the place at which he was registered or to his native district, as to the Superintendent may seem fit, and such further sum by way of compensation as the Superintendent thinks reasonable; and may take such other steps as he may think necessary for the conveyance of the labourer to such place as aforesaid.

[44.]

49. (1) Any labourer who, from his state of health, is, in the opinion of the Medical Inspector, unfit to undertake the return journey, shall be entitled to be fed, lodged, clothed and (if necessary) medically treated at the depôt at the expense of the contractor by whom the depôt is maintained, until he is reported by the Medical Inspector to be fit to undertake the return journey.

(2) Where the contractor negligently or wilfully omits to provide food, lodging, clothing or medical treatment for the labourer, the Superintendent may order the contractor at once to pay such reasonable sum as the Superintendent may think necessary to provide such food, lodging, clothing or medical treatment as aforesaid.

[45.]

50. Where an order is made under section 48 with reference to a labourer, any person registered as his dependant, or any other labourer, being his or her wife, husband, son or daughter may claim—

(a) to be conveyed, at the expense of the contractor, with the labourer to the same place as the labourer; and,

(b) if the labourer is unable to travel, to be fed, lodged, clothed and (if necessary) medically treated in the depôt at the expense of the contractor until the labourer is able to travel;

and the Superintendent may include such expenses as aforesaid in an order made under section 48 or section 49 with respect to the labourer.

[46.]

51. Where, upon the arrival of a labourer at a depôt, it appears that during the journey to the depôt the labourer or any person registered as his dependant has suffered ill-treatment at the hands of the recruiter or person deputed by the recruiter to accompany the labourer, or that the recruiter or such person as aforesaid has failed to provide the labourer or any person registered as his dependant with proper and sufficient food and lodging, the Superintendent may order the contractor by whom the depôt is maintained, to pay the labourer a reasonable sum by way of compensation.

[47.]

52. Where the Medical Inspector has reason to think that any person registered as the dependant of a labourer is not in a fit state of health to undertake the journey to the labour-district to which the labourer intends to proceed, the Medical Inspector shall so certify to the Superintendent to whom notice of the arrival of the labourer was given. The provisions of sections 48 and 49 shall thereupon apply to the dependant as if he were a labourer, and the Superintendent may make such orders regarding him as he may make under those sections with regard to a labourer.

53. In any such case as is provided for by

section 52, the labourer to whom the dependant is attached, shall further be entitled, if he or she so wishes, and if he or she is the husband, wife, son or daughter of the dependant, to receive from the contractor at whose depôt he or she arrived, such reasonable sum as the Superintendent may think necessary to enable him or her to return to the place where he or she was registered, or to his or her native district, as to the Superintendent may seem fit. If the labourer so returns, then any other persons registered as his or her dependants, and any other labourer, being his or her wife, husband, son or daughter shall also be entitled to receive a like sum from the contractor.

[48.]

54. On the failure of a contractor for the space of twenty-four hours to comply with an order of the Superintendent to pay any sum required to be paid under section 48, section 49, section 50, section 51, section 52 or section 53, the Superintendent may pay the same to or on behalf of the labourer or dependant concerned, and may recover it, with interest thereon at the rate of twelve per cent. per annum, from the contractor.

[49.]

55. (1) All labourers despatched from a contractor's depôt to a labour-district shall during their journey to the labour-district be accompanied by a person appointed by the contractor.

[50.]

(2) Every person appointed under sub-section (1) shall take with him a way-bill in such form and containing such particulars and instructions as the Local Government may prescribe; he shall present the way-bill at all such places and to all such officers as may be thereupon indicated; and he shall carry out all instructions therein contained for his guidance.

CHAPTER IV.

RECRUITMENT BY GARDEN-SARDARS AND LOCAL AGENTS.

Garden-sardars.

56. (1) An employer may grant to any garden-sardar a certificate authorizing him, in such local area within the limits of a single district as may be specified in the certificate, to enter into labour-contracts with persons desirous of becoming labourers upon any estate of which the employer is in charge.

[51.]

(2) Where any labourer is granted a certificate under sub-section (1), his employment under the certificate shall be deemed to be employment under his labour-contract.

57. (1) Every certificate granted to a garden-sardar under section 56, sub-section (1), shall be in such form and shall contain such particulars as the Chief Commissioner of Assam may prescribe in this behalf.

[52.]

(2) Any employer granting a certificate to a garden-sardar under section 56, sub-section (1), may, before the certificate is accepted and

signed as hereinafter provided, specify therein the name of the local agent (if any) to whom the garden-sardar is to report himself for orders, the time within which he is to return to his employer, and such other instructions for his guidance as he may think fit.

[53.] 58. Every certificate granted to a garden-

Certificate to be accepted and signed in presence of Inspector or Magistrate. sardar under section 56, sub-section (1), shall be accepted and signed by the garden-sardar in the presence of the Inspector or of a Magistrate having jurisdiction over the place where the employer granting the certificate resides.

[54.] 59. The Inspector or Magistrate shall inquire

Inspector's or Magistrate's countersignature certificate. into the facts stated in the certificate; and, upon being satisfied of the truth of the facts so stated, shall, unless it appears to him that the person so accepting and signing the certificate is, by character or from any other cause, unfitted to be a garden-sardar, countersign and date the certificate.

[55.] 60. (1) On the application of the employer by

Provision for grant of fresh certificate. whom any certificate so countersigned has been granted to a garden-sardar, the Inspector or Magistrate may, without requiring the appearance of the garden-sardar or making the inquiry prescribed by section 59, countersign a fresh certificate to be granted by the employer to the garden-sardar in renewal of any existing certificate.

(2) Every fresh certificate granted under sub-section (1), shall be forwarded by the Inspector or Magistrate countersigning it to the District Magistrate of the district in which the garden-sardar to whom it is granted, is employed; and the garden-sardar shall, on receiving notice from such District Magistrate as aforesaid, appear before him and accept and sign the fresh certificate in his presence.

[56.] 61. No certificate granted to a garden-sardar

Certificate when to come into force, and duration thereof. under this Chapter shall come into force unless and until it has been accepted and signed by the garden-sardar and countersigned by the Inspector or Magistrate having jurisdiction over the place where the employer granting the certificate resides, and also by the District Magistrate of the district in which the garden sardar is authorized by the certificate to enter into labour-contracts, and no certificate so granted shall continue in force for a longer period than one year from the date of its countersignature.

[57.] 62. (1) Every garden-sardar shall provide suffi-

Accommodation to be provided by garden-sardar. cient and proper accommodation in a suitable place for such labourers, or persons intending to become labourers, as may be collected by him pending their removal to a labour-district.

(2) The District or Sub-divisional Magistrate, or a Magistrate subordinate to him, or an officer of police above the rank of sub-inspector authorized by him in this behalf, shall visit and inspect the accommodation so provided; and every garden-sardar or other person in charge of a place in which accommodation is so provided, shall afford to such

Magistrate, Subordinate Magistrate or officer of police as aforesaid every facility for visiting and inspecting it.

(3) In every such place as aforesaid the garden-sardar providing the accommodation shall make such sanitary arrangements as the Local Government may prescribe.

63. (1) Where a garden-sardar commits a

Cancellation of certificates in certain cases. breach of any of the provisions of this Act or the rules thereunder, or is guilty of any other misconduct, any Magistrate, Superintendent or Inspector, within the local limits of whose jurisdiction the garden-sardar is employed, may cancel his certificate. [58.]

(2) Whenever a certificate is cancelled under this section, notice of the fact shall be given by the Magistrate, Superintendent or Inspector cancelling it to the Inspector or Magistrate in whose presence it was accepted and signed by the garden-sardar under section 58 or section 60, and, whenever such a certificate is cancelled by the employer, notice of the fact shall be given by him to such Inspector or Magistrate as aforesaid, and also to the District Magistrate of the district in which the garden-sardar was by the certificate authorized to enter into labour-contracts.

Local agents.

64. Any Superintendent authorized in this behalf by the Local Government may, on the applica-

Licensing of local agents. tion of an employer, grant licenses to persons to be local agents for the purpose of representing the employer within such local area and for such period as the employer may desire: [59.]

Provided that no contractor shall be licensed as a local agent.

65. A local agent may within such local area as

Powers and duties of local agents. aforesaid represent his employer in all matters connected with the engagement of labourers; and shall furnish such information and make such returns as the Local Government may, by rule, prescribe. [60.]

66. (1) Any Superintendent authorized under

Representation by one local agent of more than one employer. section 64 may, on the application of an employer other than the employer on whose application a local agent has been licensed, by order in writing, permit the local agent to become the local agent of the other employer within the local area for which he was licensed. [61.]

(2) Any Superintendent making an order under sub-section (1) shall forthwith send a copy thereof to the Magistrate of the district in which the local agent resides; and that Magistrate shall, on the application of the local agent, insert in his license the name of the other employer.

67. Any Superintendent authorized under section

Special licenses for local agents. 64 may, with the consent of all the employers of a local agent, grant a special license to the local agent, permitting him to engage on behalf of any employer specified in the special license, but without the intervention of a garden-sardar, persons to be labourers. [62.]

68. Every local agent engaging persons to be labourers shall bring them for registration before a Registering-officer and require them when so registered to execute labour-contracts.

69. Every local agent engaging persons to be labourers shall, for the purposes of this Act, be deemed to be a garden-sardar to whom a certificate has been granted under this Chapter.

70. Where any garden-sardar to whom a certificate has been granted under this Chapter by an employer, commits any offence punishable under this Act, any local agent of the employer may prosecute the garden-sardar for that offence.

71. (1) The District Magistrate of any district within which a local agent acts as such, may, by order in writing, cancel the license of the local agent, if the employer so requires or if it is shown to the satisfaction of the District Magistrate that the local agent has—

(a) employed any contractor's recruiter to engage on his behalf persons to be labourers; or

(b) permitted persons engaged as labourers by or on behalf of any contractor to use the accommodation provided for the persons engaged as labourers by any garden-sardar under the local agent's control; or

(c) allowed any garden-sardar under his control to transfer persons engaged as labourers by the garden-sardar to contractors or to their recruiters or to any employer other than the employer by whom the garden-sardar's certificate was granted; or

(d) himself taken over persons engaged as labourers by any garden-sardar with intent to despatch them to any employer other than the employer by whom the garden-sardar's certificate was granted.

(2) A local agent may, within three months next after the date of any order of a District Magistrate cancelling his license under subsection (1), appeal against the order to the Local Government, and the decision of the Local Government thereon shall be final.

Procedure to be followed by garden-sardars.

72. Every garden-sardar who desires to engage any person as a labourer, shall appear with the person, together with any others about to proceed to a labour-district as his dependants, before the Registering-officer having jurisdiction within the local area specified in the certificate of the garden-sardar.

73. (1) The Registering-officer shall thereupon inspect the certificate of the garden-sardar, and, if he finds that the certificate is in force, shall examine, with reference to the intended labour-

contract, the person brought before him under section 72 whom it is desired to engage as a labourer, and explain the intended labour-contract to him.

(2) Where it appears that the person so brought before the Registering-officer is competent to enter into the intended labour-contract and understands the nature of the same as regards the locality, period and nature of the service, and the rate of wages and the price at which rice is to be supplied to him, that the terms thereof are in accordance with law, that he has not been induced to agree to enter thereinto by any coercion, undue influence, fraud, misrepresentation or mistake, and that he is willing to fulfil the same, the Registering-officer shall register, in a book to be kept for the purpose, such particulars regarding him and his dependants (if any) as the Local Government may, by rule, prescribe; and the labourer and his dependants (if any) shall thereupon be deemed to be registered under this Act.

74. (1) Where it appears to the Registering-officer that any person brought before him under section 72 is not in a fit state of health to undertake the journey to the labour-district to which he intends to proceed, or, in the case of a labourer, that he is incapacitated, by reason of any obvious bodily defect or infirmity, for labour in the labour-districts, the Registering-officer may, before registering him under section 73, subsection (2), if himself a medical man, medically examine him, or, if not himself a medical man, send him to a medical man for medical examination.

(2) If upon medical examination any person so brought before a Registering-officer is declared unfit to undertake the journey to the labour-district or, in the case of a labourer, incapacitated, by reason of any obvious bodily defect or infirmity, for labour in the labour-districts, the Registering-officer may refuse to register him.

75. For every person brought before a Registering-officer under section 72 for the purpose of being registered as a labourer, the garden-sardar who appears with him, shall pay to the Registering-officer such fee, not exceeding one rupee, as the Local Government may direct.

76. (1) Where a person has been registered under section 73, subsection (2), he shall, after the lapse of three and within fifteen days after the date on which he was so registered, execute a labour-contract with the employer with whom he intends to contract.

(2) The labour-contract shall be signed in the presence of the Registering-officer by the person so registered and, on behalf of the employer, by the garden-sardar who appears with him before the Registering-officer. The Registering-officer shall satisfy himself that the labour-contract is in accordance with any instructions specified in the certificate of the garden-sardar; and, if he is so satisfied, shall, before the labourer signs the labour-contract, personally explain it to him and, after it has been executed as aforesaid, attest it and certify at the foot thereof that he has personally explained to the labourer.

(3) An abstract of every labour-contract executed under this section shall be entered in a register to be kept for the purpose by the Registering officer, and, of the two copies thereof, one shall then be given to the labourer and the other to the garden-sardar or the local agent.

(4) Where any garden-sardar, without reasonable cause, refuses or neglects to execute a labour contract with a labourer as required by sub-section (2) after the lapse of three, and within fifteen, days after the date on which the labourer was registered under section 73, sub-section (2), the Registering-officer may order the garden-sardar to pay to the labourer such reasonable compensation, not exceeding twenty rupees, as the Registering-officer may think fit.

[70.]

77. Where the employer of a garden-sardar has, in the instructions specified in the certificate of the garden-sardar, directed that every labourer engaged by him shall before registration be examined by a competent medical man and certified by him to be in a fit state of health to undertake the journey to the labour-district to which he intends to proceed, and physically and constitutionally fit for labour in the labour districts, no Registering-officer shall register as a labourer any person appearing before him with the garden-sardar until such medical certificate as aforesaid has been produced and shown to him.

[71.]

78. Where the employer of a garden-sardar has, in the instructions specified in the certificate of the garden-sardar, directed that the examination referred to in section 77 shall be made by a medical officer in the service of the Government, such officer as aforesaid making the examination shall be entitled to receive from the local agent or garden-sardar such fee, for each labourer so examined as the Local Government may direct.

[72.]

79. Unless and until a person engaged as a labourer has been registered under section 73, sub-section (2), no garden-sardar shall remove or attempt to remove him to a labour-district, or induce or attempt to induce him to go to a labour-district, or to leave the local area specified in the certificate of the garden-sardar, or aid or attempt to aid him in proceeding to a labour-district, or in leaving any such local area as aforesaid.

[73.]

80. (1) A garden-sardar shall either himself accompany labourers engaged by him throughout their journey from the place in which the labour-contract was entered into, to the labour-district wherein they have contracted to labour, or shall send with them some competent person appointed by him with the approval of the local agent of his employer, or, if his employer has no local agent, with the approval of the officer by whom the labourers were registered.

(2) When the number of labourers (exclusive of dependants) proceeding on their journey to a labour-district is more than twenty, for

every twenty labourers so in excess, or for any number of labourers less than twenty so in excess, one additional garden-sardar or person so appointed by him shall accompany the labourers so proceeding.

81. A garden-sardar may, subject to the instructions specified in his certificate, engage any number of persons as labourers; and, subject to the provisions of section 80, any number of labourers may be despatched at the same time to the labour-districts. [74.]

No restriction on number of persons engaged by garden-sardar.

82. A garden-sardar may, with the previous consent in writing of the local agent of the employer by whom his certificate was granted, or, if the employer has no local agent, with the previous consent in writing of the employer, be appointed under section 80 as a competent person to accompany labourers other than those engaged by him. [75.]

Appointment in certain cases of garden-sardar to accompany labourers not engaged by him.

83. (1) Every garden-sardar or person appointed by him as aforesaid who accompanies labourers to the labour-districts, shall present to the officer by whom the labourers have been registered, a way-bill in such form and containing such particulars and instructions as the Local Government may prescribe. [76.]

Provision for way-bill.

(2) Every such garden-sardar or other person as aforesaid shall also present the way-bill at all such places and to all such officers as may be thereupon indicated; and shall carry out all instructions therein contained for his guidance.

84. Every garden-sardar or person appointed by him as aforesaid who accompanies labourers to the labour-districts, shall provide the labourers and their dependants (if any) with proper and sufficient food and lodging throughout the journey. [77.]

Garden-sardar to provide food and lodging for labourers and dependants on journey.

85. Where it appears to any Magistrate, on the complaint of a labourer at any place on the journey, that the labourer or any person registered as his dependant has suffered ill-treatment during the journey at the hands of the garden-sardar or person appointed by the garden-sardar accompanying the labourer, or that the garden-sardar or person so appointed has failed to provide the labourer or any of his dependants with proper and sufficient food and lodging, or has wilfully abandoned the labourer or any of his dependants, the Magistrate may either order the garden-sardar or person so appointed to pay to the labourer a reasonable sum by way of compensation, or may cancel the labour-contract entered into by the labourer and order the garden sardar or person so appointed to pay to the labourer such reasonable sum as the Magistrate may think necessary to enable him with his dependants (if any) to return to the place at which he was registered, or to his native district, as to the Magistrate may seem fit. [78.]

Power of Magistrate in certain cases to award compensation or cancel contract.

[79.]

86. On the failure for the space of twenty-four hours of any garden-sardar or person appointed by him as aforesaid to comply with an order made under section 85 to pay any sum, the Magistrate may pay the same to or on behalf of the labourer concerned, and may recover it, with interest thereon at the rate of twelve per cent. per annum, from the employer by whom the certificate of the garden-sardar was granted, or from the local agent of the employer.

[80.]

87. Any Magistrate or Embarkation Agent may, if himself a medical man, medically examine, and, if not himself a medical man, send for medical examination by, a medical man, any labourer or dependant who, while on the journey to the district to which he intends to proceed, appears to the Magistrate or Embarkation Agent, as the case may be, not to be in a fit state of health to proceed thereto.

[81.]

88. (1) Where any labourer or dependant is, on examination under section 87, declared not to be in a fit state of health to undertake the journey to the labour-district to which he intends to proceed, the Magistrate or Embarkation Agent may order the labourer or dependant to be detained at such place as he may think proper until in a fit state of health to undertake the journey.

(2) In any such case as is provided for by sub-section (1), the labourer or dependant, when in a fit state of health to undertake the journey, shall, if the garden-sardar or person appointed by the garden-sardar accompanying him, or the employer by whom the certificate of the garden-sardar was granted, or his local agent, so wishes, be forwarded to the labour-district, or, if otherwise, to his native district or the place where he was registered, as to the Magistrate or Embarkation Agent may seem fit.

(2) While any labourer or dependant is detained under sub-section (1), he shall be entitled to be fed, lodged, clothed and (if necessary) medically treated at the expense of the employer with whom the labourer, or the labourer to whom the dependant is attached, has contracted to labour.

[82.]

89. (1) Where an order under section 88 has been made with reference to any labourer, any person registered as his dependant, and any other labourer being his or her wife or husband, shall be entitled,—

(a) until the labourer is in a fit state of health to undertake the journey, to be fed, lodged, clothed and (if necessary) medically treated at the place where the labourer is detained, and at the cost of the employer with whom the labourer has contracted to labour, and

(b) to be sent back to the same place (if any) as the labourer.

(2) Where an order has been made under sub-section (1) with reference to any dependant, the

labourer to whom the dependant is attached, shall thereupon, until the dependant is in a fit state of health to undertake the journey to the labour-district, be entitled, if the labourer so wishes, and, if he or she is the husband, wife, son or daughter of the dependant, to be fed, lodged, clothed and (if necessary) medically treated at the place where the dependant is detained and at the cost of the employer with whom the labourer has contracted to labour; and the labourer shall, if he or she so wishes and if he or she is the husband, wife, son or daughter of the dependant, be sent back to the same place (if any) as the dependant.

(3) Where a labourer is entitled and claims to be so fed, lodged, clothed and (if necessary) medically treated, or to be so sent back, any person registered as his or her dependant, and any other labourer, being the wife or husband of the labourer, shall be entitled, as the case may be,—

(a) to be fed, lodged, clothed and (if necessary) medically treated at the place where the dependant is detained, and at the cost of the employer until the dependant is in a fit state of health to undertake the journey to the labour-district, or

(b) to be sent back to the same place as the labourer.

90. Where a garden-sardar or person appointed by a garden-sardar accompanying any labourer or dependant fails to provide the labourer or dependant with food, lodging, clothing and medical treatment, or to send him back as required by section 88 or section 89, the Magistrate or Embarkation Agent may order the garden-sardar or person so appointed to pay such sum as the Magistrate or Embarkation Agent, as the case may be, may think necessary to provide food, lodging, clothing and medical treatment, or to defray the cost of the return-journey of the labourer or dependant; and, on failure for the space of twenty-four hours of the garden-sardar or person so appointed to comply with the order, the Magistrate or Embarkation Agent, as the case may be, may pay the sum specified in the order to or on behalf of the labourer or dependant concerned, and may recover it, with interest thereon at the rate of twelve per cent. per annum, from the employer by whom the certificate of the garden-sardar was granted, or from the local agent of the employer.

[83.]

91. (1) Where a labourer whose labour-contract has been executed by a garden-sardar on behalf of his employer, is brought to Calcutta on his way to the labour-district in which he has contracted to labour, any

[84.]

person empowered to act as the agent or representative of the employer may require the labourer to appear before the Superintendent for the cancellation of his labour-contract.

(2) If, when the labourer appears under sub-section (1), such reasonable sum as the Superintendent may think necessary to enable the labourer and his dependants (if any) to return to the native district of the labourer or to the place at which he was registered, as to the

Superintendent may seem fit, and such further sum (if any) by way of compensation as the Superintendent may think reasonable, are paid to the labourer in his presence, the Superintendent may declare the labour-contract cancelled, and, in that event, shall make an endorsement to the like effect on the labourer's copy of the labour-contract, and attest the endorsement with his signature.

[85.]

92. (1) Where the Superintendent declares the labour-contract of any labourer to be cancelled, any other labourer who is the wife, husband, father, mother, son or daughter of the labourer and has entered into a labour-contract at the same place with the same employer, may claim to have her or his labour-contract cancelled at the same time.

(2) Where a claim is made under sub-section (1), the Superintendent shall declare the labour-contract of the claimant to be cancelled, and shall order the agent or representative of the claimant's employer to pay to the claimant such reasonable sum as the Superintendent may think necessary to enable him and his dependants (if any) to return to the same place as the labourer.

(3) On the failure for the space of twenty-four hours of the agent or representative to comply with an order made under sub-section (2), the Superintendent may pay the sum specified in the order to or on behalf of the claimant concerned, and may recover the same, with interest thereon at the rate of twelve per cent. per annum, from the employer by whom the certificate of the garden-sardar was granted, or from the local agent of the employer.

CHAPTER V.

RECRUITMENT UNDER SPECIAL PROVISIONS.

[New.]

93. The Local Government may, with the special provisions as to recruitment through garden-sardars, previous sanction of the Governor General in Council, by notification in the local official Gazette, declare that specially employed garden-sardars, not being garden-sardars holding certificates granted under Chapter IV, may in the Province engage persons on behalf of their employers and assist persons so engaged to emigrate subject to the following provisions, namely:

(a) The employer shall grant each garden-sardar specially employed by him under this section a permit in writing, signed and dated, specifying the name of the garden-sardar and the district in which alone the garden-sardar may engage persons on behalf of his employer and assist them to emigrate.

(b) The employer shall in the permit certify that the garden-sardar named therein is a person employed on his estate, and shall specify the nature of his employment and the period of his residence on the estate.

(c) Every permit shall be presented by the garden-sardar named therein in person for countersignature to the Inspector of Labourers or to the Magistrate having jurisdiction in the local

area in which the estate is situate, and shall not be valid or have effect unless and until it is so countersigned.

(d) The Inspector or Magistrate may refuse to countersign any permit, for any reason, to be recorded in writing, which he may think sufficient, and shall refuse to countersign a permit unless he is satisfied that the garden-sardar named therein is bona fide employed on the estate of his employer and is a fit person to engage persons and assist them to emigrate.

(e) When a permit is duly countersigned, the garden-sardar named therein may proceed to the recruiting district and there himself engage persons on behalf of his employer and assist them to emigrate, subject only to the provisions of this section and to those of the Assam Emigrants, Health Act, 1900.

(f) Every garden-sardar so authorized shall, within three days of his arrival in the recruiting district, in person or in writing, report his arrival and the place at which he intends principally to reside, to the District or Subdivisional Magistrate, and shall, at least three days before his departure from the recruiting district, similarly report his intended departure and furnish a list, in such form as the Local Government may prescribe, containing the names and descriptions of the persons whom he has engaged and is assisting to emigrate.

(g) Every garden sardar shall either himself accompany all persons so engaged by him to the labour-district in which the estate of his employer is situate, or send them there in charge of another garden-sardar holding a permit under this section from the same employer to engage persons in the same recruiting district.

(h) No permit shall have effect for more than six months from the date of countersignature by the Inspector or Magistrate as aforesaid.

(i) Any permit granted under this section may be cancelled in the recruiting district by the District or Subdivisional Magistrate for any reason, to be recorded in writing, which he may think sufficient. The fact of cancellation shall be endorsed by such Magistrate as aforesaid on the permit, and the permit shall thereupon become invalid and cease to have effect.

94. The Local Government may, by notification in the local official Gazette, declare, in the case of any specified recruiting agency or association of employers for purposes of recruitment, formed and conducted in accordance with rules approved by the Local Government,—

(a) that garden-sardars working in the Province under the control of such agency or association as aforesaid

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[New.]

and not being garden-sardars holding certificates granted under Chapter IV, may, subject to such conditions as may be prescribed in the notification and to the provisions of the Assam Emigrants' Health Act, 1900, engage persons and assist them to emigrate; and

(b) that, in the case of garden-sardars holding certificates under Chapter IV and working in the Province under such control as aforesaid, any of the requirements of that Chapter may be dispensed with or relaxed in such manner as may be prescribed in the notification.

[New.]

95. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, suspend, in whole or in part, or vary, the operation of section 93 or section 94, or of any notification or order issued thereunder.

Suspension, etc., of recruitment under section 93 or 94.

CHAPTER VI.

TRANSPORT BY RIVER.

Passenger-vessels.

96. Nothing in this Chapter shall apply to the transport by sea of natives of India to the labour-districts.

97. (1) No master shall receive more than twenty passengers, being natives of India, on board his vessel for the purpose of transporting them to a labour-district, unless a license to carry passengers in his vessel has been granted to him under this Chapter by an Embarkation Agent duly empowered in that behalf by the Local Government.

(2) The Local Government may, by notification in the local official Gazette, exempt from the provisions of this section any vessel or class of vessels.

98. (1) The master or owner of any vessel who desires to obtain a license under this Chapter to carry passengers in his vessel, shall make a written application for a license to an Embarkation Agent empowered as aforesaid.

(2) Every application made under sub-section (1) shall state such particulars respecting the vessel as the Local Government may, by rule, prescribe.

99. Where the Embarkation Agent to whom an application is made under section 98, sub-section (1), is of opinion that the vessel is in all respects suitable for carrying passengers being natives of India to a labour-district, he shall give to the master of the vessel a license to carry passengers therein, specifying the number of passengers, being natives of India, who may be received on board.

100. Such fee, not exceeding sixteen rupees, as the Local Government may, with reference to the size of the vessel, by rule, direct shall be paid

for every license granted under section 99, and no license so granted shall be in force for more than one voyage:

Provided that a license may, with the previous sanction of the Local Government, be granted under the said section to the master of any vessel for any term not exceeding one year, on payment of such fee, not exceeding one hundred rupees, and on such conditions, as the Local Government may, by rule, prescribe.

101. Any Embarkation Agent may, in accordance with such rules as the Local Government may make in this behalf, direct, by order in writing, that, on any particular voyage or part of a voyage, any master licensed under this Chapter shall not receive on board his vessel more than a specified number of passengers, being natives of India, which number shall be less than the number specified in the license granted to the master.

Embarkation Agent may limit number to be received on board on any particular voyage.

102. In computing the number of persons on board a vessel, two children under the age of ten years shall, for the purposes of this Chapter, be reckoned as one person only.

Two children under ten years shall, for the purposes of this Chapter, be reckoned as one person only.

103. Every master licensed under this Chapter shall keep such lists, submit such returns, and make such reports in regard to the passengers carried in his vessel, as the Local Government may, by rule, prescribe.

Master to make returns.

104. Every master licensed under this Chapter shall have on board his vessel carrying labourers provisions, clothing, and other supplies of provisions and clothing, and such medical and other officers, cooks and attendants, as the Local Government may, by rule, prescribe.

Provisions, clothing, medical and other officers, cooks, etc.

105. No medical officer shall be appointed to any vessel in respect of which a license is granted under this Chapter, unless he holds a license granted by such authority as the Local Government may appoint in that behalf; and any medical officer so licensed shall be forthwith removed from his appointment on the requisition of any officer empowered by the Local Government to make such a requisition.

Medical officer to be licensed.

which a license is granted under this Chapter, unless he holds a license granted by such authority as the Local Government may appoint in that behalf; and any medical officer so licensed shall be forthwith removed from his appointment on the requisition of any officer empowered by the Local Government to make such a requisition.

Departure of passenger-vessels and procedure during voyage.

106. Where it appears to an Embarkation Agent that the departure of a vessel in respect of which a license is granted under this Chapter, is unduly delayed beyond the date fixed by the order of a Superintendent or of the Local Government, or notified by advertisement in the public Press, for such departure, he may order the master of the vessel to proceed on his voyage at once.

Embarkation Agent may order departure of vessel if delay occurs.

which a license is granted under this Chapter, is unduly delayed beyond the date fixed by the order of a Superintendent or of the Local Government, or notified by advertisement in the public Press, for such departure, he may order the master of the vessel to proceed on his voyage at once.

107. (1) No master licensed under this Chapter shall proceed on a voyage with his vessel carrying labourers until he has received from the Embarkation Agent the way-bills relating to all labourers on board.

Master to receive way-bills from Embarkation Agent.

shall proceed on a voyage with his vessel carrying labourers until he has received from the Embarkation Agent the way-bills relating to all labourers on board.

(2) The Embarkation Agent and the master of the vessel shall together personally ascertain that the number of labourers on board corresponds with the number entered in the way-bills.

(3) The Embarkation Agent shall send a copy of every way-bill granted under sub-section (1), to the Magistrate of the labour-district to which the labourers on board are proceeding.

[98.] 108. No master licensed under this Chapter

Labourers not finally to leave vessel at any place other than that mentioned in way-bill.

shall cause or permit any labourer finally to leave his vessel at any place other than that named in the way-bill as the destination of the labourer:

Provided that nothing in this section shall be deemed to prevent the master of a vessel from permitting labourers to disembark at any place on the voyage so long as the disembarkation is not intended, or known to be likely, to be final, nor to prevent the final disembarkation of any labourers or the transfer of labourers with their dependants to another vessel in case of accident or unavoidable necessity:

Provided, also, that every such accident or necessity as aforesaid shall forthwith be reported by the master to the Embarkation Agent by whom he was licensed, and to the nearest Magistrate in the district within which the accident has occurred or the necessity has arisen.

[99.] 109. (1) Every master licensed under this

Master to stop his vessel at certain places where there is a Magistrate.

Chapter shall stop his vessel carrying passengers, being natives of India, at such places, being places where a Magistrate is stationed, and shall, unless the Magistrate permits him to depart earlier, remain at each such place for such time, not exceeding six hours of daylight, as the Local Government may direct.

(2) The master shall, on arriving at a such place as aforesaid, immediately report to the Magistrate the number of the crew and other persons on board, the general state of their health, and the number of deaths (if any) which have occurred among the persons who embarked on board his vessel.

[100.] 110. (1) Any Magistrate may, while a vessel

Power for Magistrates to inspect vessels.

in respect of which a licence is granted under this Chapter, is within the local limits of his jurisdiction, go on board the vessel and inspect it and all persons, being natives of India, on board.

(2) The master and officers of any such vessel as aforesaid shall afford to the Magistrate every facility for inspection, and give him all such information as he may reasonably require respecting the labourers or other persons on board, the deaths (if any) which have occurred on board, and any other facts affecting the health of the passengers.

[101.] 111. Any Magistrate may, while a vessel in

Power for Magistrates to regulate communication between vessels and land.

respect of which a licence is granted under this Chapter, is within the local limits of his jurisdiction, regulate the communication between the vessel and the land and prohibit all persons from leaving the vessel and all persons on land from proceeding on board.

112. (1) Any Magistrate may, if he has reason to believe that any passengers, being natives of India, on board a vessel within the local limits of his jurisdiction in respect of which a licence is granted under this Chapter, are, or are likely to be, affected with any dangerously infectious or contagious disease, detain the vessel and depute the civil medical officer of the district or any other qualified medical officer to inspect such passengers as aforesaid and to report on their health, stating whether any or what measures are requisite for the removal or prevention of the dangerously infectious or contagious disease.

(2) On receiving the report of the medical officer so deputed, the Magistrate may order any such passenger as aforesaid who is suffering from any dangerously infectious or contagious disease, to be disembarked and detained for medical treatment.

113. (1) Where, on receiving the report of a medical officer deputed under section 112, sub-section (1), it appears to a Magistrate

Detention of sick labourers by Magistrate.

that a labourer or any dependant of a labourer, though not suffering from a dangerously infectious or contagious disease, is not in a fit state of health to proceed to the labour-district in which the labourer has contracted to labour, he may order the labourer or dependant to be detained, and shall cause, all necessary arrangements to be made for his accommodation, support and medical treatment.

(2) Any expenditure incurred under sub-section (1), with interest thereon at the rate of six per cent. per annum, may be recovered from the employer of the labourer concerned.

114. (1) Where, in the opinion of a medical officer deputed under section 112, sub-section (1), it is dangerous to the health of the general body of the passengers to allow the vessel

Power for Magistrate to detain vessel to be cleansed and disinfected.

to proceed until measures have been taken to cleanse and disinfect her, the Magistrate may detain the vessel for a further period, not exceeding three days, for the purpose of carrying out those measures.

(2) Any expenditure incurred under sub-section (1) may be recovered from the master or owner of the vessel.

115. (1) Where it appears to a Magistrate making an inspection of

Measures to be taken if excess number of native passengers is found on board.

a vessel in respect of which a licence is granted under this Chapter, that the number of passengers on board, being natives of India, is larger than the number specified in the licence or than the number specified in an order of an Embarkation Agent made under section 101, he may remove the excess number and detain them until another opportunity of forwarding them to their destination is found.

(2) Any expenditure incurred in maintaining passengers detained under sub-section (1) and in forwarding them to their destination may be recovered from the master or owner of the vessel.

[102, fig. part.]

[103.]

[104.]

[105, sec. part.]

[105.]

116. Where it appears to a Magistrate making an inspection of a vessel in respect of which a license is granted under this Chapter, that any of the provisions of this Act or of any rule thereunder have not been complied with in respect of the vessel, he shall report the fact to the Embarkation Agent by whom the license was granted; and, if he considers it necessary to do so, he may detain the vessel until such provisions as aforesaid have been so complied with as to make it possible for the voyage to be further prosecuted with safety and reasonable comfort to the emigrants.

117. (1) The Local Government may make rules to regulate—
Power to make rules regulating disembarkation and other matters

(a) the disembarkation of labourers and their dependants, and their inspection and accommodation on arrival at their destinations:

(b) the detention of labourers and their dependants at debarkation-depôts:

(c) the forwarding of labourers to their destinations and the closing and return of way-bills by employers.

(2) Any expenditure incurred in pursuance of any rules made under sub-section (1), with interest thereon at the rate of twelve per cent. per annum, may be recovered from the employers of the labourers concerned.

118. The District or Sub-divisional Magistrate may authorize any subordinate Magistrate, medical officer or officer of police above the rank of sub-inspector to exercise the powers and authorities conferred, and to perform the duties imposed, on a Magistrate under sections 109 to 116.
Deputation of other officer to discharge the functions of a Magistrate under sections 109 to 116.

CHAPTER VI.

PROVISIONS AS TO THE LABOUR-DISTRICTS.

Annual rate payable by employers.

119. (1) Every employer shall, on the first day of January and the first day of July in each year, pay in respect of each labourer then in his employ such rate, not exceeding an annual sum of one rupee, as the Local Government may, by notification in the local official Gazette, direct.

(2) On the failure of an employer or the space of one month after the receipt of a notice in such form and served in such manner as the Local Government may prescribe, to pay any sum due under sub-section (1), the same may be recovered from him.

Local labour-contracts.

120. (1) Any employer may enter into a labour-contract for a term, not exceeding one year commencing from the date of the execution of the labour-contract, with any native of India within the labour-district in which the estate to which the labour-contract refers, is situate.
Labour-contracts executed in labour-districts between employer and native direct.

(2) Where an employer has under sub-section (1) executed a labour-contract within a labour-district, he shall, within one month from the date of the execution of the labour-contract, forward it in duplicate to the Inspector within the local limits of whose jurisdiction the estate is situate. On receipt of the labour-contract so forwarded, the Inspector shall enter an abstract thereof in a register to be kept by him for the purpose, and shall then give one copy of the labour-contract to the labourer and the other to his employer.

121. When, for the first time after the registration, under section 120, of a labour-contract with a labourer, the Inspector visits the estate on which the labourer is employed, the employer shall cause the labourer to appear before the Inspector for the purpose of having his contract verified, and the labourer may thereupon apply to the Inspector to cancel his labour-contract; and, if the labourer shows cause sufficient, in the opinion of the Inspector, to justify the cancellation of his labour-contract, the Inspector shall cancel the same and shall thereupon make an endorsement that it has been cancelled on the labourer's copy of the labour-contract, or, if that copy is not forthcoming, shall give to the labourer a certificate to the like effect. [111-A.]

Verification and cancellation of such contracts.

122. The Inspector or Magistrate may, either on the application of the employer or the labourer or of his own motion, require the employer to cause any labourer who has entered into a labour-contract under section 120 and is employed upon any estate within the local limits of the jurisdiction of the Inspector or Magistrate, to appear before him for the purpose of having his labour-contract verified; and, if the labourer applies to the Inspector or Magistrate to cancel his labour-contract and shows cause sufficient, in the opinion of the Inspector or Magistrate, to justify its cancellation, the Inspector or Magistrate shall cancel the same as provided by section 121. [111-B.]

123. (1) Notwithstanding the provisions of section 120, an employer may enter into a labour-contract with any native of India in a labour-district for a term not exceeding four years commencing from the date of the execution of the labour-contract, if he appears, either in person or by agent, with the native of India before the Inspector or Magistrate within the local limits of whose jurisdiction the estate to which the labour-contract refers, is situated.
Labour-contracts executed within labour-district before Inspector or Magistrate.

(2) The Inspector or Magistrate shall thereupon explain the labour-contract to the native, of India, and shall, if satisfied that he is competent to enter into and understands the same, call upon him and the employer or his agent to execute it in his presence; and, if they execute it, shall attest the execution with his signature.

(3) An abstract of every labour-contract executed under this section shall be entered in a register to be kept by the Inspector or Magistrate for the purpose; and one copy of the labour-contract shall then be given to the labourer and the other to his employer or the agent of his employer.

(2) In respect of every labour-contract an abstract whereof is registered under section 120 or under this section, the employer who executes the labour-contract in person or by agent, shall pay to the Inspector or Magistrate such fee, not exceeding one rupee, as the Local Government may direct.

Employers' returns and Magistrates' inspections.

[113.] 124. (1) Every employer shall keep such registers to be kept registers of all labourers and returns made by and other persons employed on the estate of which he is in charge, in such form, and shall make to the Inspector within the local limits of whose jurisdiction the estate is situate, such periodical returns in writing, as the Local Government may, by rule, prescribe.

(2) The Inspector may examine the registers so kept and muster all labourers and other persons employed on any estate within the said local limits, and may verify the accuracy of the entries in the registers, or in any prescribed periodical return.

[114.] 125. Any Inspector or Magistrate, or any person authorized by either of them in writing in this behalf, may enter and inspect all lands and houses wholly or partially used by or for labourers, or by or for any other natives of India employed on any estate, and may require that all such labourers or other natives, of India as aforesaid, or any particular class or classes or individual or individuals of them, shall be brought before him, and that a copy of the labour-contract of any labourer shall be produced, and may make any inquiries which he thinks proper touching the condition or treatment of such labourers or other natives of India as aforesaid or any of them; and the employer shall be bound to comply with every requisition and to answer every inquiry so made to the best of his ability.

Regulation of labour.

[115.] 126. (1) Every employer shall prepare a schedule specifying the daily task to be executed by each labourer employed on the estate of which the employer is in charge, and may, from time to time, alter any schedule so prepared.

(2) One copy of every schedule prepared under sub-section (1) shall be filed in a book, which shall be open to the examination of the Inspector, and translations thereof, in such languages as the Chief Commissioner of Assam may direct, shall be affixed in some conspicuous place accessible to the labourers to whom the schedule relates.

(3) The minimum payment for each daily task shall be the quotient resulting from dividing the monthly wage of the labourer concerned by the number of working days in the current month. The number of working days in a month shall be ascertained by deducting the number of Sundays from the whole number of days in the month.

[116.] 127. (1) No labourer shall be bound to labour more than six days in one week, or more than six consecutive hours, or more than nine hours in one day.

(2) Every labourer shall, for one day in each week, receive wages as for a full task done, without being required to labour for the same.

(3) Every employer shall, on six days in each week, provide for each labourer work sufficient to enable him to earn at least his minimum daily wage; and, failing such due provision of work, the labourer shall, if he can show that he was able and willing to labour for the same, be entitled to claim his minimum daily wage.

128. (1) Where the Inspector considers that any schedule of daily tasks, or any part thereof, is unreasonable, he may, by order in writing, direct that such reduction as is specified in the order be made in the scheduled daily tasks.

(2) The employer shall at once make the reduction so ordered, but may, if dissatisfied with the order of the Inspector, by notice in writing, require the Inspector to summon a Committee to inquire into the schedule.

(3) Every Committee summoned under sub-section (2) shall consist of—

- (a) the Inspector,
- (b) some person to be nominated by the employer whose schedule is to be inquired into; and,
- (c) if practicable, a medical officer.

(4) Where the employer fails to nominate a person within seven days after being thereunto requested in writing by the Inspector, the Inspector, instead of the employer so failing, may nominate a person.

(5) Where the Committee consists only of the Inspector and of a person nominated by the employer or Inspector, the Inspector shall have the casting vote.

129. (1) Where the Committee, or a majority thereof, is of opinion that the scheduled daily tasks or any of them are unreasonable, the Committee shall order them to be modified and reduced in such manner as it may think fit.

(2) The employer shall thereupon alter the schedule accordingly, and copies and translations of the same so altered shall be filed and affixed in the manner provided by section 126, and shall, as between him and the labourers concerned, take the place of the former schedule.

130. (1) Notwithstanding anything contained in any schedule of daily tasks, the Inspector may order that any specified labourer, who is, in his opinion, unable from weakness to earn by his labour the sum of one anna and a half per diem, according to the schedule, shall receive, in lieu of actual earnings, subsistence-allowance at the rate of one anna and a half per diem, or diet on a scale to be approved by the Inspector.

(2) Any subsistence-allowance ordered under sub-section (1) may be recovered from the employer of the labourer concerned.

Incapacity for labour.

131. (1) The Inspector within the local limits of whose jurisdiction a labourer is employed, may release the labourer, for such period as he thinks fit, from performing his labour-contract, if he is, in

the opinion of the Inspector, temporarily unfitted, by reason of sickness, or any other sufficient cause, for the performance thereof.

(2) Every release granted under sub-section (1) shall be endorsed by the Inspector on the labour contract, and the time during which the release continues, shall not be reckoned as part of the term for which the labourer is bound to serve.

(3) Every labourer released as aforesaid shall during the release, receive such subsistence-allowance from his employer as the Inspector may think sufficient.

[121.] 132 (1) Where any labourer is compelled, by Labourer absent reason of sickness, to absent himself from work, he shall receive from his employer for each day on which he is so absent, subsistence allowance at the rate of one anna and a half, or, if in hospital, sick-diet on a scale to be approved by the Inspector.

(2) Where the period during which a labourer is so absent, exceeds the total number of thirty days in any one year, and the employer, as soon as that number is exceeded, gives the labourer a notice in writing to that effect, each day of absence in excess of that number shall be added to the term of the labour-contract, unless the labourer refunds to the employer the sum of one anna and a half for each day so in excess.

(3) The Inspector shall, from time to time, when visiting the estate, on the application of the employer, and may also at any other time, on the application of either the employer or a labourer, endorse on the labour-contract of the labourer, after such inquiry as he may think necessary, the number of days so to be added to the term thereof:

Provided that an employer who omits to apply for such endorsement as aforesaid at the time when the Inspector is actually visiting the estate, shall, in the absence of sufficient reasons to the contrary shown to the satisfaction of the Inspector, be debarred from applying afterwards for endorsement in so far as days of absence which occurred prior to the date of the Inspector's last visit, are concerned.

[122.] 133. (1) Where in the opinion of the Inspector, a labourer is permanently incapacitated for the performance of his labour-contract or any material part thereof, the Inspector shall certify to that effect in writing and deliver the certificate to the employer of the labourer or to the agent of the employer, and from the date of the certificate, the labour-contract of the labourer shall wholly determine.

(2) Every labourer whose labour-contract so determines, shall be entitled to receive from his employer such sum, not exceeding three months' wages, as the Inspector may award.

(3) Every sum so awarded and any such subsistence-allowance as is provided for by section 132 or section 133 may be recovered from the employer of the labourer concerned.

Accommodation for labourers.

[123.] 134. Every employer shall be bound to provide for the labourers employed on the estate of which he is in charge, such house-accommodation, water-supply and sanitary arrangements for labourers.

ply and sanitary arrangements as the Local Government may, by rule, prescribe.

135. (1) Where the food-grain commonly used Supply of food-grain by any class of labourers is not procurable by them at reasonable prices in the local markets near the estate on which they are employed, their employer shall be bound to supply them therewith at a reasonable price.

[124.]

(2) The Local Government may, by notification in the local official Gazette, declare either generally or for each district or part of a district, what shall, for the purposes of this section, be deemed to be a reasonable price.

136 (1) Subject to such rules as the Local Provision for ration Government may make in this behalf, any Inspector may, by order in writing,—

[125.]

(a) direct that, on any specified estate within the local limits of his jurisdiction, all labourers or any specified class of labourers shall be furnished by their employers with rations, cooked or uncooked, on such scale and for such period, not exceeding three months from the date of their arrival on the estate, as may be specified in the order;

(b) direct that any specified labourer shall be exempt from the effect of any general order so made, if he is satisfied that the labourer is able to earn a full wage and desires to provide himself with proper and sufficient food;

(c) direct that any specified labourer shall be furnished with rations for any term not exceeding six months, and renew that direction for a like term.

(2) The cost of each labourer's ration furnished to him in accordance with any direction given under sub-section (1) shall be calculated at current rates as determined by the Inspector, and shall be deducted from any wages earned by the labourer during the period for which the direction is in force.

137. Where, in the opinion of the Inspector, an employer does not provide Provision for hospital accommodation and such hospital-accommodation and medical attendance, in a suitable place available to the labourers employed upon the estate of which he is in charge, or does not make such provision for the medical treatment of his labourers, as the Local Government may direct, the Local Government may require the employer to contribute to the support of a central hospital to be established, or to the pay of a medical officer to be appointed, such sum, proportionate to the number of labourers so employed, as it thinks fit.

[126.]

138. (1) Any Inspector or Assistant Inspector, or, who is himself a Magistrate, may, with respect to any estate situate within the local limits of his jurisdiction, inquire whether the employer in charge of the estate has provided for his labourers house-accommodation, water-supply, sanitary arrangements, food-grains and rations in accordance with any rules made by the Local Government under section 134.

[127.]

(2) At the instance of any Inspector or Assistant Inspector, a similar inquiry may be made by a Magistrate.

(3) Every inquiry under this section shall be made at some place on or within ten miles of the estate to which it relates, and shall be conducted and dealt with as if it were an inquiry by a Magistrate under the Code of Criminal Procedure, 1898.

V of 1898.

Localities unfit for the residence of labourers

[128.] 139. (1) Where, in the opinion of the Inspector,

Report by Inspector an estate or portion of an estate situate within the local limits of his jurisdiction is, at any time, by reason of climate, situation or condition, unfit for the residence of labourers, or of any particular class of labourers, he shall give notice, in writing, of his opinion to the District Magistrate, who shall forthwith, by order in writing, summon a Committee to inquire into the matter.

(2) The District Magistrate may also of his own motion summon a Committee, where, either from his own observation or upon the report of an Inspector, Magistrate or medical officer, he is of opinion that an estate or portion of an estate is, for any of the reasons aforesaid, unfit for the residence of labourers or of any particular class of labourers.

(3) Every Committee summoned under this section shall consist of—

- (a) the District Magistrate;
- (b) the Inspector;
- (c) the civil medical officer of the district; and,
- (d) if practicable, one or more employers of labourers.

(4) Where the District Magistrate is unable to procure the service on the Committee of any employer of labourers, he may, with the previous sanction of the Commissioner of the division, appoint one or more persons qualified to serve on the Committee.

[128 A.] 140. Where it appears to the Local Government, upon the report of an Inquiry by Committee by order of Local Government, Inspector, Magistrate or medical officer,—

- (a) that an estate or portion of an estate is, for any of the reasons given in section 139, unfit for the residence of labourers or of any particular class of labourers; or
- (b) that the percentage of mortality of labourers or of any particular class of labourers employed on an estate or on portion of an estate is such as would justify the institution of an inquiry by a medical officer under section 143;

the Local Government may direct the District Magistrate to summon a Committee under section 139; and the District Magistrate shall forthwith proceed to summon a Committee accordingly.

[129, 131.] 141. Every Committee summoned under section 139 or section 140 shall, as soon as may be, inquire into the healthiness of the estate or portion to which the order appointing it

relates, and shall hear and record such information on the subject as the owner of the estate or portion, or the employer in charge thereof, or the Inspector, may desire to place before it.

142. (1) Where the Committee, or a majority thereof, is of opinion that the estate or portion, or any part of the estate or portion, is unfit for the residence of labourers generally, or of any particular class of labourers, the Committee shall record a finding to that effect. [129 142, 3 and 4.]

(2) Where a finding has been recorded under sub-section (1), no labourer, or no labourer of the particular class to which the finding relates, as the case may be, shall be bound by any labour-contract to labour on the estate or portion, or part of the estate or portion, as the case may be, which is found unfit for the residence of such labourers.

(3) Where a labourer is released under sub-section (2) from the performance of his labour-contract to labour on any estate, he shall be bound to labour on any other estate belonging to his employer and situate in the same labour-district; or, where the finding relates only to a portion of an estate, on any other portion of the same estate. Where the finding relates to the whole of any estate and the employer has no other estate in the same labour-district on which the labourer may be employed, the Inspector shall cancel the labour contract of the labourer, and shall thereupon make an endorsement that it has been cancelled on the labourer's copy of the contract, or, if that copy is not forthcoming, shall give to the labourer a certificate to the like effect.

143. The Local Government may call for the proceedings of any Committee summoned under section 139, or section 140, and, if the finding of the Committee is not unanimous, the Local Government may record any finding thereon which the Committee was competent to record, and the finding so recorded by it shall have the same effect as the finding of a Committee under section 142. [129-A.]

144. Where it appears to the Local Government or to the District Magistrate that the number of labourers employed on an estate who have died thereon, or on any portion thereof, during the last preceding twelve months, or that the average annual number of labourers employed on an estate who have died thereon, or on any portion thereof, during the last preceding three years, bears a larger proportion to the whole number of labourers employed thereon during such period of twelve months or three years, as the case may be, than seven per cent., the Local Government, or the District Magistrate, may depute the civil medical officer of the district or any other qualified medical officer to inquire into and report on the following matters, namely:— [130-A.]

- (a) the cause or causes of the mortality;
- (b) the want (if any) of due care or precaution, and of the adoption of proper and available sanitary measures on the part

of the owner of the estate or portion thereof, or of the employer in charge of the estate or portion, causing or contributing to the mortality;

- (c) the fitness or otherwise of the estate or portion for the residence of labourers:

Provided that, when the mortality among any particular class of labourers employed on an estate or any specified portion of an estate exceeds the percentage specified in this section, the Local Government, or the District Magistrate, may direct an inquiry under this section limited to that particular class of labourers.

- [131.] 145. The medical officer deputed under section 144 shall, as soon as may be, inquire into the matters referred to therein, and shall hear and record such information relating to those matters as the owner of the estate or portion, or the employer in charge of the same, or the Inspector, may place before him, and shall visit and inspect the estate or portion, and shall make a report expressing the reasons for his opinion, and transmit the same to the Local Government together with the information so recorded and the notes of his inspection of the estate or portion.

- [132.] 146. Where the Local Government, after perusal and consideration of the said report, information and notes, is of opinion that the mortality was caused by the want, on the part of the owner of the estate or portion, or the employer in charge of the same, of due care or precaution, or of the adoption of proper and available sanitary measures, or that the estate or portion is unfit for the residence of labourers or of any particular class of labourers, it may make a declaration in writing to that effect, and the declaration so made shall have the same effect as the finding of a Committee under section 142.

- [133.] 147. (1) Where it appears to the Inspector that any estate or smaller area, which has been found, or declared under any of the foregoing provisions, to be unfit for the residence of labourers or of any particular class of labourers, has become fit for the residence of labourers or of that class of labourers, as the case may be, he shall, with the previous sanction of the District Magistrate of the district in which the estate or area is situate, give a certificate to that effect signed by him.

(2) On the grant of a certificate under sub-section (1), all such labourers as are mentioned or referred to in section 142, sub-section (3), whose contracts have not been cancelled by the Inspector under that section, shall again be bound to labour on the estate or area, as the case may be, to which the certificate relates for the unexpired periods (if any) of their respective contracts.

Complaints made by labourers.

- [134.] 148. Where a labourer states to his employer, or any person acting on behalf of his employer, that he desires to make a complaint to the Inspector or to a Magistrate of personal ill-usage or breach,

Labourer wishing to complain of personal ill-usage or breach of Act to be sent by employer to Inspector or Magistrate.

on the part of his employer or such person as aforesaid, of any of the provisions of this Act or of any rule thereunder, the person to whom the statement is made, shall forthwith send the labourer to the Inspector or Magistrate within the local limits of whose jurisdiction the estate wherein he is employed is situate:

Provided that, where more than ten labourers at any one time so state their desire to make such a complaint, the person to whom the statement is made, may, instead of sending them to such Inspector or Magistrate as aforesaid, give the Inspector or Magistrate notice, in writing, of their complaint.

149. (1) Where a complaint is made to an Inspector or Magistrate under section 148, or where an Inspector or Magistrate receives, under that

[135.]

section, notice in writing of a complaint, or where an Inspector or Magistrate has other reasonable grounds for believing that an employer, or person acting on his behalf, has personally ill-used, or committed any such breach as is mentioned in section 148 in respect of, a labourer, the Inspector or Magistrate shall, as soon as may be, proceed to some place, not more than ten miles from the principal place of business of the employer, situate within the local limits of his jurisdiction, and inquire into the matter complained of:

Provided that, if the place in which an Inspector or Magistrate has reasonable grounds for believing that the ill-usage or breach has been committed, is situate beyond the local limits of his jurisdiction, he shall, instead of inquiring into the matter himself, forthwith send information thereof in writing to the Inspector or Magistrate within the local limits of whose jurisdiction the ill-usage or breach has been committed.

(2) For the purposes of every inquiry made under sub-section (1), the Inspector or Magistrate may summon and examine any person as a witness.

150. (1) Where, upon an inquiry made under section 149 on the complaint of a labourer, the Inspector or Magistrate is of opinion that the complaint is untrue or frivolous or vexatious, he shall dismiss the complaint; and in that event shall endorse on the employer's copy of the complainant's labour-contract the number of days during which the complainant has been absent from work in consequence of the inquiry, and the number of days so endorsed shall be added to the period for which the complainant contracted to labour.

[136.]

(2) Every endorsement made under sub-section (1) shall be conclusive evidence that the complainant has absented himself from his labour voluntarily and without reasonable cause during the number of days so endorsed.

151. (1) Where a complaint is dismissed under section 150, the Inspector or Magistrate may award to the employer any reasonable compensation on account of the expense incurred by him in connection with the complaint, and shall endorse the amount of the compensation so awarded on the complainant's copy of the labour-contract.

[137.]

(2) The complainant shall be bound to pay the amount awarded under sub-section (1); and, in default of payment, his labour-contract shall not be deemed to have determined until he has worked off the amount at the rate of one day's labour for each four annas of the same.

[138.] 152. (1) Where, upon an inquiry made under section 145 by a Magistrate or by an Inspector who is a Magistrate, the Magistrate or Inspector is of opinion that there is sufficient ground for proceeding with the case, he shall dispose of the same according to law.

(2) Where the Inspector is not a Magistrate and is of such opinion as aforesaid, he shall without delay send the complainant and his witnesses (if any) to the nearest Magistrate, who shall thereupon dispose of the case according to law.

[139.] 153. (1) Where, upon the complaint of a labourer, it is proved to the satisfaction of a Magistrate that the wages of the labourer are in arrear for two months, or where it is proved to the satisfaction of a Magistrate that the wages of a person whose labour-contract has determined, have been withheld for any period after determination, the Magistrate may award to such labourer or person as aforesaid the amount which appears to be then due to him, and also, by way of compensation, such further sum, not exceeding that amount, as to the Magistrate seems just.

(2) On the failure of an employer to pay any amount awarded under sub-section (1), the Magistrate may recover the same from the employer and pay it to the labourer or other person concerned.

[140.] 154. (1) Where it is proved to the satisfaction of a Magistrate—
Power to cancel contract on conviction of employer or accumulation of arrears of wages.

(a) that an employer, or any person placed by an employer in authority over a labourer, has been convicted of any offence causing injury to the person or loss or damage to the property of the labourer, and, under the Code of Criminal Procedure, 1898, triable exclusively by the Court of Session; or

(b) that an employer or any person placed by an employer in authority over a labourer has been twice convicted of any such offence as aforesaid against the labourer and under the said Code triable by a Magistrate; or

(c) that the wages of a labourer are in arrear to an amount exceeding the whole of his wages for four months; or

(d) that a labourer has been compelled by his employer or by any person placed by his employer in authority over him to perform any labour while he was unfit for it, or has been subjected to ill-usage by his employer or any such person as aforesaid;

the Magistrate may, if he thinks fit, on the application of the labourer aggrieved cancel the labour-contract of the labourer and award to him compensation not exceeding thirty rupees.

(2) Every cancellation under sub-section (1) shall be certified by the Magistrate on the back of the labourer's copy of the labour-contract, or, if that copy is not forthcoming, by writing under the Magistrate's hand delivered to the labourer.

155. Where the labour-contract of a labourer is or has been cancelled or has determined under section 121, section 122, section 133 or section 154, the Inspector or Magistrate, as the case may be, may, in his discretion and on the application of the labourer concerned, cancel the labour-contract of any labourer employed on any estate belonging to the same employer, being the wife, husband, father, mother, son or daughter of the labourer whose labour-contract is or has been so cancelled or has so determined.

Determination of labour-contracts.

156. (1) Whenever a labour-contract determines, the employer shall endorse on the labourer's copy of the contract the fact of determination, or, if that copy is not forthcoming, shall give to the labourer a certificate to the like effect; and, where the employer refuses or neglects to do so, the Inspector may, on application by the labourer, make such endorsement or give such certificate as aforesaid.

(2) The employer shall give to the Inspector notice in writing of such determination as aforesaid within one month after the date thereof.

157. (1) Where a labourer is able and desirous to redeem the unexpired term of his labour-contract, or the labour-contract of any member of his family, by payment of a sum equivalent to the value of the unexpired term, the labourer may require his employer to take him, or allow him to go, before the Inspector within the local limits of whose jurisdiction he is employed; and, on his depositing such sum as aforesaid with the Inspector, the Inspector shall give notice to the employer to show cause within one week why the labourer should not be released from his contract.

(2) If no sufficient cause is shown as aforesaid, the Inspector shall require the labourer's copy of the contract to be produced, and on production thereof shall endorse thereon a certificate that he has been released under this section from his contract, or, if that copy is not forthcoming, shall deliver to the labourer a certificate under his hand to the like effect; and shall, in either case, hold the sum so deposited to the credit of the employer of the labourer.

(3) The value of the unexpired term of a labour-contract shall, for the purposes of this section, be deemed to be the aggregate amount of one rupee for every month of the unexpired portion of the first year, of three rupees for every such month of the second year and of five rupees for every such month of the third and fourth years of the original term of the contract.

[142-A.]

158. (1) *Where* the labour-contract of a labourer determines at a different time from that of any other labourer who is the wife or husband of *that* labourer, the Inspector or Magistrate may, on the joint application of *both* labourers, equalize the terms of their respective contracts, and may, for this purpose, add to the term of the contract which expires first, and deduct from the term of the contract which expires last, in such proportions as may appear to him to be equitable.

(2) Every addition or deduction from the term of any labour-contract made under sub-section (1) shall be certified by the Inspector or Magistrate on the back of both the employer's and the labourer's copies of the contract, or, if those copies are not forthcoming, by writing under the Inspector's or Magistrate's hand, copies of which shall be delivered to the employer and the labourer.

Repatriation of labourers and others.

[142-B.]

159. (1) *Where* any labourer, not being a native of the labour-districts, whose labour-contract has determined under section 133,

desires to be sent back to his native district, the Inspector may, instead of awarding a sum as receivable by the labourer from his employer, as provided by that section, order the employer to deposit such amount, whether in excess of the three months' wages awardable under that section or otherwise, as shall, in the Inspector's opinion, be sufficient to cover the entire expenses of sending the labourer back to his native district. The amount shall be deposited by the employer in the Inspector's office and shall be expended by the Inspector in sending the labourer back to his native district.

(2) On the failure for the space of twenty-four hours of an employer to comply with an order made under sub-section (1), the Inspector may expend the amount specified in the order and may recover the same from the employer of the labourer concerned.

160. *Where* any person, being a native of India,

but not being a labourer, who has emigrated from his native district to a labour-district for the purpose of labouring for hire in any estate situate therein, or being a dependant of any person who has so emigrated, has no means of subsistence, and is, in the opinion of the Inspector or Magistrate, permanently incapacitated from earning his livelihood in a labour-district, the Inspector or Magistrate may, on the application of such person, send him back, together with his dependants (if any), to his native district, and may, subject to the control of the Local Government, charge the expenses incurred in so doing to the Assam Labour Transport Fund constituted under section 219.

161. (1) Subject to any orders which the Local Government may make in this behalf, the Inspector or Magistrate may send back to his native district any labourer, together with his dependants (if any), whose contract has been cancelled under section 121 or section 122 on the ground of coercion, undue influence, fraud or misrepresentation, or of any irregularity in connection with his recruitment or the execution of his contract.

(2) Any expenditure incurred under sub-section (1) may be recovered from the employer on whose estate the labourer concerned was under contract to labour.

162. (1) *Where* it appears to the Inspector or Magistrate, on complaint made before him or otherwise, that there is reason to suppose that any native of India, not being a labourer, has been induced by any coercion, undue influence, fraud or misrepresentation to emigrate to a labour-district, the Inspector or Magistrate shall call upon the employer on whose behalf the person was made or induced to emigrate, or to whose estate he is being or has been conveyed, or, if the employer cannot be communicated with without undue delay, upon his agent or any one who is accompanying or conveying the person or has forwarded or otherwise assisted him to emigrate to any labour-district or estate, to appear before the Inspector or Magistrate and show cause why the person should not be sent back to his native district.

(2) *Where* the Inspector or Magistrate is of opinion, after such inquiry as he thinks sufficient, that such person as *foresaid* was engaged or compelled or induced to emigrate by any such coercion, undue influence, fraud or misrepresentation as would justify his being sent back to his native district, the Inspector or Magistrate shall record a finding to that effect and shall send the person, if he so desires, together with any other persons dependent on him back to his native district.

(3) Subject to any orders which the Local Government may make in this behalf, any expenditure incurred under this section may be recovered from the employer on whose behalf the person concerned was induced to emigrate or to whose estate he was being or had been conveyed, or, if the employer is not known, or if there is no employer, the person who is accompanying or conveying the person concerned or has forwarded or otherwise assisted him to emigrate to any labour-district or estate.

163. (1) *Where* a labourer or other person is sent back to his native district under section 161 or section 162, the Inspector or Magistrate may provide an escort or make such other arrangements as he may think necessary for ensuring that the labourer or person is actually conveyed to his native district.

(2) Any expenditure incurred under sub-section (1) may be recovered as part of the amount expended in sending the labourer or other person back to his native district.

164. (1) In addition to the powers herein before conferred, the Local Government may make rules to carry out any of the purposes and objects of this Act in the Province.

CHAPTER VII.

SUPPLEMENTARY POWERS.

164. (1) In addition to the powers herein before conferred, the Local Government may make rules to carry out any of the purposes and objects of this Act in the Province.

(2) *In particular and without prejudice to the generality of the foregoing power, such rules may—*

- (a) define and regulate the powers and duties of the several officers appointed by it under this Act :
 - (b) prescribe what returns and reports shall be made under this Act by any such officers *as aforesaid* or by any contractors or local agents within the *Province* and the form in which they shall be respectively so made :
 - (c) prescribe the forms of all registers, licenses, certificates and notices required under this Act with respect to the *Province* :
 - (d) prescribe the particulars to be registered by a Registering-officer in respect of each person who is brought before him in any district in the *Province* for registration as a labourer or dependant :
 - (e) prescribe the fees to be paid for any license granted under this Act by any officer appointed by it, and for the registration of labourers or dependants in any district in the *Province* :
 - (f) prescribe the conditions upon which any officer appointed by it may grant licenses to masters of vessels carrying passengers to any labour-district ; provide for the ventilation, cleanliness and water-supply of such vessels in respect of which licenses are granted hereunder by any such officer ; and prescribe the lists, returns and reports to be kept and submitted by the masters of such vessels :
 - (g) prescribe the description, quantity and quality of provisions, medical drugs and other stores to be taken on board such vessels carrying labourers when such vessels are within the *Province*, and the daily allowance to be issued to each labourer and dependant during the journey through the same ; prescribe the number of officers, cooks and other servants to be carried on board such vessels ; and provide generally for the accommodation of labourers and their dependants on such vessels :
 - (h) provide for the accommodation, food, clothing and medical treatment of all labourers and dependants detained on account of sickness by order of a Magistrate at any place within any district in the *Province* :
 - (i) declare the routes through the *Province* by which labourers and their dependants shall not travel to the labour-districts :
 - (j) prescribe the house-accommodation, water-supply, sanitary arrangements and amount and kind of food-grains to be provided by employers for their labourers, and regulate the rations to be supplied to labourers under this Act in the labour-districts in the *Province* :
 - (k) provide for the hospital-accommodation and medical treatment of labourers in such labour-districts, and prescribe the nature, quality and quantity of medical drugs and other stores to be provided for such labourers :
 - (l) provide for the management and regulation of contractors' depôts and of hospital depôts situate within the *Province*, and for the support and medical treatment of labourers and their dependants passing through such depôts :
and
 - (m) prescribe the clothing to be supplied to labourers and their dependants while proceeding to the labour-districts through the *Province*.
- (3) *In making any rule under this Act the Local Government may direct that every breach thereof shall be punishable with fine which may extend to five hundred rupees.* [143. f. 1.]
- (4) All rules made by the Local Government under this Act shall be published in the local official Gazette, and, on such publication, shall have effect as if enacted by this Act. [145. f. 2.]
165. The Local Government may further make rules to provide for the detention and inspection of vessels in respect of which licenses are granted under this Act, and of passengers, being natives of India, carried in such vessels as aforesaid while in transit through the *Province*. [144.]
- CHAPTER VIII.
PENALTIES AND PROCEDURE.
166. Whoever knowingly recruits, engages, induces or assists, or attempts to recruit, engage, induce or assist, any person to emigrate in contravention of any of the provisions of this Act or of any notification for the time being in force thereunder, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees in respect of every such person, or with both. [146.]
- Recruitment, etc., in contravention of Act or notification.
167. Whoever, being a recruiter,— [147.]
- Recruiter removing, etc., unregistered person.
- (a) removes, or attempts to remove, any person to a depôt before he has been registered under section 34, or induces or attempts to induce him to go to a depôt or to leave the local limits of the jurisdiction of the Registering-officer before whom he ought to be brought under section 33, or aids or attempts to aid him in going to a depôt or in leaving any such local limits as aforesaid before he has been so registered ; or
 - (b) induces or attempts to induce any person who has been so registered, to proceed to any place other than the depôt which has been established by the contractor on whose behalf the recruiter is licensed, or conveys or attempts to convey him to such place ;
- shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees in respect of every such person.

168. (1) Whoever, being a recruiter or a person deputed by him to accompany labourers to a depôt, fails to provide any labourer or any dependant whom he accompanies on the journey to the depôt with proper and sufficient food and lodging, or otherwise ill-treats the labourer or dependant on the journey, shall be punishable with fine which may extend to fifty rupees; and, in default of payment of the fine within twenty-four hours, with imprisonment for a term which may extend to one month.

(2) The convicting Magistrate may award the whole or any portion of any fine levied under sub-section (1) as compensation to the labourer in respect of whom, or of whose dependant, the failure or ill-treatment has occurred.

169. (1) Any labourer engaged by a recruiter who, having been registered under section 74 without reasonable cause to execute contract at depôt, refuses or neglects when at the depôt to execute, in accordance with the provisions of section 44, a labour-contract in conformity with the terms made known to him when he was registered, shall be punishable with fine which may extend to the amount of the expense incurred in registering him and conveying him to the depôt and maintaining him therein; and, in default of payment of the fine, with imprisonment for a term which may extend to one month.

(2) Any labourer so punished may be forthwith discharged from the depôt.

(3) Every fine levied under sub-section (1) shall be paid to the contractor, sub-contractor or recruiter by whom such expense as aforesaid was incurred.

170. (1) Any labourer registered under section 73 who without reasonable cause refuses or neglects to execute, in accordance with the provisions of section 76, a labour-contract in conformity with the terms made known to him when he was registered, shall be punishable with fine which may extend to twenty rupees or to the amount of the expense reasonably incurred by the garden-sardar in procuring his registration, whichever amount is least.

(2) Every fine levied under sub-section (1) shall be paid to the garden-sardar by whom such expense as aforesaid was incurred.

171. Whoever, being a garden-sardar,—
Garden-sardar failing to report himself, etc.

(a) fails, within fourteen days after his arrival in the local area within which he is authorized to enter into contracts under this Act, to report himself to the local agent (if any) specified in his certificate; or

(b) fails without sufficient cause to return to his employer within the time specified in his certificate; or

(c) fails to account for the money advanced to him by his employer for the purpose of engaging labourers;

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

172. Whoever, being a garden-sardar or a person appointed under Part. I, second section 55 or section 80 to accompany labourers to a labour-district,—

(a) wilfully abandons any labourer or his dependant on the way to the labour-district; or

(b) removes or attempts to remove any person to a labour-district before he has been registered as provided by section 73; or

(c) induces or attempts to induce any person to go to a labour-district or to leave the local area specified in the certificate of the garden-sardar before he has been so registered, or aids or attempts to aid him in proceeding to a labour-district or in leaving any such local area as aforesaid before he has been so registered;

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

173. (1) Whoever, being a garden-sardar,—
Garden-sardar making over labourers to contractors, etc.

(a) makes over to any contractor, sub-contractor or recruiter, or to the garden-sardar or local agent of any employer other than the employer by whom his certificate was granted, or, without authority from his employer, to any other person, any persons whom he has engaged or intends to engage as labourers; or

(b) places any such person as aforesaid in a contractor's depôt or in the place of accommodation provided by a recruiter in accordance with the provisions of section 29, sub-section (2); or

(c) allows any persons engaged as labourers by any contractor or sub-contractor or recruiter to share the accommodation provided by him under section 62;

shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both, and his certificate may be impounded by the convicting Magistrate.

(2) Any Magistrate impounding a certificate under this section shall send it for cancellation to the Magistrate by whom it was countersigned.

174. Any garden-sardar or person appointed by him as provided by section 80, who accompanies labourers to the labour-districts and fails to present a way-bill as required by section 83, sub-section (1), or to carry out any of the instructions entered in the way-bill, shall be punishable with fine which may extend to twenty rupees.

175. Whoever,—
Unlawful recruitment by garden-sardar.

(a) being a garden-sardar employed under a permit to engage emigrants, and assist

them to emigrate in accordance with the provisions of section 93, infringes any of the provisions of that section ; or

- (b) being a garden-sardar employed under the control of an agency or association to engage emigrants and assist them to emigrate in accordance with the provisions of section 94, infringes any of the conditions prescribed by or under that section ;

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees for every such infringement.

[154.] 176. (1) *Whoever,—*

Master receiving native passengers on board in contravention of Act.

- (a) being a master not licensed under section 99, in contravention of section 97 sub-section (1), knowingly receives on board his vessel more than twenty passengers being natives of India ; or

- (b) being a master licensed as aforesaid, knowingly receives on board his vessel any such passengers in excess of the number specified in his license or in any order of an Embarkation Agent under section 101 for the purpose of transporting them to a labour-district ;

shall be punishable with fine which may extend to two hundred rupees for each passenger so received.

- (2) Nothing in this section applies to the master of a vessel exempted under section 97, sub-section (2).

[155.] 177. *Whoever, being a master licensed under*

Fraudulent alteration of vessel after grant of license.

section 99, with intent to defraud does or suffers to be done any act or thing whereby the state of his vessel is altered, so that the vessel is unfit for the accommodation of the number of passengers specified in his license or in any order made under section 101 by an Embarkation Agent, shall be punishable with fine which may extend to two hundred rupees

[156.] 178. *Whoever, being a master licensed under*

Master not complying with section 104.

section 99, proceeds on his voyage with his vessel carrying labourers without having complied with the provisions of section 104, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees.

[157.] 179. *Whoever, being a master licensed under*

Master not complying with order under section 106.

section 99, fails to comply with an order of an Embarkation Agent made under section 106, shall be punishable with fine which may extend to two hundred rupees for each day during which he fails to comply with the order after the day on which the order was received by him.

[158.] 180. *Whoever, being a master licensed under*

Master permitting labourer to leave vessel contrary to section 103.

section 99, causes or permits a labourer finally to leave his vessel in contravention of the provisions of section 103, shall be punishable

with fine which may extend to two hundred rupees for each labourer so leaving his vessel.

181. *Whoever, being a master licensed under*

Master wilfully omitting to stop vessel at certain places.

section 99, wilfully omits to comply with the provisions of section 109, shall be punishable with fine which may extend to two hundred rupees.

182. *Whoever*

Person disobeying Magistrate's order as to communication between vessel and land.

disobeys any order made under section 111 by a Magistrate, shall be punishable with fine which may extend to two hundred rupees.

183. *Whoever, being a master licensed under*

Master or medical officer disobeying or neglecting to enforce rules.

section 99 or a medical officer in charge of a vessel, wilfully omits or neglects to obey or enforce on board of the vessel any provision of this Act or any rule thereunder, shall be punishable with fine which may extend to two hundred rupees.

184. *Whoever, having been registered as a la-*

Labourer deserting, etc., after registration.

bourer under section 34 or section 73,—

- (a) deserts while on his journey from the district in which he has been so registered to a labour-district ; or,

- (b) without reasonable cause, refuses or neglects to proceed from the district in which he has been so registered, or to embark in any vessel when called upon to do so by an Embarkation Agent ;

shall be punishable with imprisonment for a term which may extend to three months.

185. *Whoever, being an employer, refuses*

Employer refusing or omitting to keep registers, etc.

or wilfully omits to keep such registers or to make such periodical returns in writing to the Inspector as may be prescribed by any rule made under this Act, or who knowingly keeps an incorrect register or makes an incorrect return, or who wilfully omits to prepare, file or affix a schedule as required by section 126 shall be punishable with fine which may extend to two hundred rupees.

186. *Whoever, being an employer, or acting*

Employer or other person obstructing inspection under section 125.

under the orders or on the behalf of an employer, wilfully obstructs any entry, inspection or inquiry, or omits to comply with any requisition made under section 125 shall for every such offence be punishable with fine which may extend to two hundred rupees.

187. *Whoever, being an employer, or acting*

Employer or other person compelling labourer to perform labour for which he is unfit.

under the orders or on the behalf of an employer, compels any labourer to perform any labour knowing that he is at the time unfit to perform such labour, shall be punishable with fine which may extend to two hundred rupees.

188. *Whoever*

Person buying labourer's rations.

buys any rations which have been furnished under section 136 to a labourer, and whoever, being a labourer, sells any rations so furnished to him, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees.

[167.] 189. (1) *Whoever, being an employer, wilfully omits to provide house-accommodation, water-supply, sanitary arrangements, food-grains or rations in accordance with the provisions of this Act or any rule thereunder, shall be punishable with fine which may extend to five hundred rupees; and the convicting Magistrate may order him to comply with such provisions within a reasonable time to be fixed in the order.*

(2) If the employer wilfully omits to comply with the order within the time so fixed, he shall be punishable with fine which may extend to one hundred rupees for each day during which the omission continues.

(3) If the employer fails to pay the fine imposed under sub-section (2), the person on whose account he has been acting, shall be liable to pay the same.

[168.] 190. *Whoever, being an employer, fails to provide such hospital-accommodation for, or to make such provision for the medical care and treatment of, labourers, as is required by any rule made under this Act, shall be punishable with fine which may extend to two hundred rupees for each week during which the default continues.*

[169.] 191. Where any estate or portion thereof has been found under section 142, or declared under section 146, unfit for the residence of labourers or any class of labourers, as the case may be, every employer who, until a certificate has been given under section 147, causes or permits such labourers or class of labourers to reside or labour upon the estate or portion shall be punishable with fine which may extend to two hundred rupees.

[170.] 192. (1) Every employer may, on or before the fifteenth day of each month, send to the Inspector or a statement in writing containing the names of all or any of his labourers who, voluntarily and without reasonable cause, absented themselves from labour during the preceding month, and specifying the periods of absence. When any employer so sends any statement, he shall at the same time notify to each labourer concerned the fact that he has done so.

(2) Every Inspector who receives any statement so sent shall, if the employer so desires, when next visiting the estate on which the labourers to whom the statement relates, are employed, inquire into each case of absence in the presence of the labourer concerned, and, if satisfied that the labourer has voluntarily and without reasonable cause absented himself, shall, unless the labourer consents to forfeit to his employer the sum of four annas for each day of absence, endorse the days of absence on the labour-contract of the labourer, and add them to the term of the contract.

(3) The Inspector may also, at any time other than that of his visit to the estate, on the application of either the employer or the labourer, after due inquiry, endorse the days of absence

on, and add them to the term of, the labour-contract:

Provided that an employer who omits to apply for the endorsement of such days on any labourer's labour-contract when the Inspector is actually visiting the estate shall be debarred, in the absence of sufficient reasons to the contrary shown to the satisfaction of the Inspector, from applying afterwards for such endorsement so far as days of absence reported in statements sent to the Inspector previous to the date of his last visit are concerned.

Explanation.—Ill-treatment of a labourer by his employer, or failure of the employer to fulfil any condition of the labour-contract binding on the employer, shall be deemed to be reasonable cause within the meaning of this section.

193. *Whoever, being a labourer, voluntarily and without reasonable cause, absents himself from his labour for more than seven consecutive days, or for more than seven days in any one month, shall be liable to forfeit his wages for the period of such absence, and to pay to his employer a sum not exceeding four annas for each such day of absence, and shall also be punishable with imprisonment for a term which may extend to fourteen days; and, in case the absence has extended to twenty days in any two consecutive months, shall be punishable with imprisonment for a term which may extend to one month.*

Explanation.—Ill-treatment of a labourer by his employer, or failure of the employer to fulfil any condition of the labour-contract binding on the employer, shall be deemed to be reasonable cause within the meaning of this section.

194. Every employer may, on or before the fifteenth day of each month, send to the Inspector a statement in writing in such form as the Local Government may prescribe containing the names of all or any of his labourers who have deserted from his service during the preceding month, or who, having deserted at any previous time, have been absent during the preceding month, or who, having deserted during the month or previously, have been arrested or have returned to his service during the preceding month.

195. (1) *Where any labourer deserts from his employer's service, the employer, or any person acting on his behalf, may, without a warrant and without the assistance of any police officer, arrest the labourer wherever he may be found:*

Provided that, if the labourer is found within five miles of the place where a Magistrate resides or in the service of another employer, he shall not be arrested without warrant.

(2) Every police-officer shall assist in arresting any such labourer if so required by the employer or person acting on his behalf.

(3) Whoever arrests a labourer under this section shall without delay take him to the police-station nearest to the place of the arrest; and if he fails to do so shall be punishable with fine which may extend to two hundred rupees.

[173.]

196. (1) The police-officer in charge of such station shall, on the appearance of the parties, take down in writing the statements of the labourer arrested and of the person arresting the labourer.

(2) If the labourer admits the contract and does not claim to be forwarded to a Magistrate, the police-officer may permit the person arresting the labourer to convey him to the estate on which he is under contract to labour, and shall then transmit the statements recorded and a report of his proceedings to the Magistrate within the local limits of whose jurisdiction the police-station is situated.

(3) If the labourer does not admit the contract or claims to be forwarded to the Magistrate, or if, for any reason, it appears to the police-officer desirable that he should be so forwarded, the police-officer shall forthwith send the labourer, together with the statements recorded as aforesaid and a report of his proceedings, to the Magistrate within the local limits of whose jurisdiction the police-station is situated.

(4) If the estate on which the labourer is under contract to labour, is not situate within the local limits of the jurisdiction of the Magistrate referred to in sub-section (2) or sub-section (3), the Magistrate shall forward the statements and report received by him from the police to the Magistrate within the local limits of whose jurisdiction such estate is situate. He shall also, when the labourer has been sent to him by the police, either forward the labourer to, or take security for his appearance before, such other Magistrate as aforesaid.

(5) On receipt of such statements and report, the Magistrate within the local limits of whose jurisdiction the estate is situate, may, after making such inquiry as he considers desirable into the case, pass such order in accordance with law as he thinks proper. For the purpose of any such inquiry the Magistrate may, if he thinks fit, in any case in which the labourer arrested has not been sent to, or appeared before, him, require the labourer to appear before him.

[174.]

197. Where an employer or a person acting on behalf of an employer complains to a Magistrate that a labourer has deserted from the employer's service, the Magistrate may, without previously examining the complainant, issue a summons for the attendance of the labourer, or a warrant for his arrest, and fix a day for hearing the complaint.

[175.]

198. (1) Whoever, being a labourer, deserts from his employer's service, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to twenty rupees, or with both.

(2) For a second conviction for a like offence the offender shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to fifty rupees, or with both.

(3) For a third and every subsequent conviction for a like offence the offender shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

199. (1) Where it appears to a Magistrate trying a labourer for deserting from his employer's service that such labourer was arrested without sufficient cause, the Magistrate may impose a fine, which may extend to fifty rupees, on the employer or person acting on his behalf by whom, or at whose instance, the labourer was arrested.

(2) The Magistrate may in his sentence direct that the whole or any part of the fine levied under sub-section (1) be paid by way of compensation to the labourer so arrested.

200. Where a labourer has actually suffered imprisonment for terms amounting in the whole to six months for desertion from his employer's service, the Inspector shall cancel the labour-contract of the labourer, and shall endorse on his copy of the contract a certificate of the cancellation; or, if that copy is not forthcoming, he shall give to the labourer a written certificate to the like effect.

201. Whoever, being a labourer, is guilty of habitual drunkenness, or wilfully disregards any sanitary regulation approved by the Inspector and duly notified for the guidance of the labourers on the estate on which the labourer is employed, shall be punishable with imprisonment for a term which may extend to one week, or with fine which may extend to five rupees.

202. (1) The employer of a labourer sentenced to imprisonment for any offence under this Act, or any person authorized to act in this behalf for the employer, may apply to the Magistrate, at any time previous to the expiry of the sentence, that the labourer be made over to him for the purpose of completing his labour-contract.

(2) On an application being made under sub-section (1), the Magistrate may, if he thinks fit, order that the labourer be made over or forwarded to his employer; and in that case the Magistrate shall cancel the remainder of the sentence passed on the labourer, and shall endorse on his copy of the labour-contract a certificate of the cancellation, or, if that copy is not forthcoming, shall give him a written certificate of the cancellation.

(3) Nothing in this section shall be deemed to affect the provisions of section 200.

203. Every employer who obtains an order of a Magistrate for the making over or forwarding of any labourer, shall be liable to defray the expense (if any) incurred in the making over or forwarding of the labourer; and shall, before the order is issued, deposit with the Magistrate a sum sufficient in the Magistrate's opinion to defray that expense.

204. (1) On the expiry of any sentence of imprisonment passed on a labourer for any offence under this Act, the Magistrate shall, subject to the provisions of section 200, make the labourer over to any

[176.]

[177.]

[178.]

[179.]

[180.]

[181.]

person appointed on the part of his employer to take charge of him; and no conviction under this Act or imprisonment thereon shall, save as aforesaid, operate as a release to any labourer from the terms of his labour-contract.

(2) Where no person is present on the part of the employer to take charge of the labourer on the expiry of his sentence, the Magistrate shall forward the labourer to the principal place of business of his employer situate within the local limits of the Magistrate's jurisdiction.

(3) Any expenditure incurred under sub-section (2) may be recovered from the employer of the labourer concerned.

[149.] 205. Where a labourer is sentenced to imprisonment for any offence under this Act other than an offence under section 193 or section 198, the Magistrate shall endorse on the employer's copy of the labour-contract the term for which the labourer is so sentenced.

Endorsement on contract of period of unlawful absence or imprisonment for offence against Act.

[149-B.] 206. Where a labourer is sentenced to imprisonment for any time not exceeding three years for any offence other than an offence under this Act, the Court or Magistrate so sentencing him shall, if the employer or his agent so requests, endorse on the employer's copy of the labour-contract the period for which the labourer is sentenced to imprisonment, or, if that period exceeds the unexpired term of the labour-contract on the date of the sentence, so much of that period as is equal to the unexpired term.

Endorsement on contract of period of any other imprisonment.

[149-C.] 207. The periods endorsed under section 205 or section 206 shall be added to the term for which the labourer contracted to serve; and the labourer shall not be deemed to have performed his labour-contract until he has served for the term specified therein in addition to the periods so endorsed.

Periods endorsed to be added to term of contract.

[149.] 208. (1) Whoever, knowing that a labourer is bound by his labour-contract to labour for any employer, voluntarily entices or attempts to entice the labourer to leave his employer, or harbours or employs any labourer who has, in contravention of the terms of his labour-contract, left his employer, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Other person enticing away, harbouring or employing labourer under labour-contract.

(2) The convicting Magistrate may in his discretion award to the employer with whom the labourer has contracted, the whole or any part of any fine levied under sub-section (1).

[149-A.] 209. Whoever, being bound under section 120, sub-section (2), to forward any labour-contract to the Inspector, or under section 122 to cause any labourer to appear before the Inspector

Failure to forward contract under section 120 or to cause labourer to appear under section 122.

or Magistrate, wilfully omits or neglects so to forward the labour-contract to the Inspector at or within the time specified, or to cause the labourer to appear before the Inspector or Ma-

gistrate within a reasonable time, shall be punishable with fine which may extend to two hundred rupees.

210. Whoever, being bound by section 148 to send any labourer before, or to give notice of any complaint to, an Inspector or Magistrate, refuses or neglects so to send the labourer or to give the notice, shall be punishable with fine which may extend to two hundred rupees. [184.]

Employer or other person neglecting to send labourer before Magistrate as provided by section 148.

211. Whoever, being an employer,— [185.]

Employer refusing to endorse labour-contract, etc.

- (a) refuses or wilfully neglects to endorse the labourer's copy of his labour-contract as required by section 156; or
- (b) detains a labourer after the determination of his labour-contract; or
- (c) fails to give to the Inspector notice in writing of such determination as aforesaid within one month after the date thereof;

shall be punishable with fine which may extend to two hundred rupees.

212. Whoever, being an employer or a person [186.]

Employer or other person neglecting to comply with request of labourer wishing to redeem unexpired term.

acting for an employer, refuses or neglects to comply with the request of a labourer made under section 157 shall be punishable with fine which may extend to two hundred rupees.

213. Whoever commits a breach of any of [145, 146.]

Penalty for breaches not otherwise provided for.

the provisions of this Act for which a penalty is not hereinbefore expressly provided, shall be punishable with fine which may extend to five hundred rupees.

214. Whoever abets within the meaning of [187.] the Indian Penal Code XLV of 1860. any offence against this Act or any rule thereunder, shall be punishable with the punishment provided for the offence.

Abetment.

215. Whoever commits any offence against [188.] this Act or any rule thereunder, shall be triable for the offence in any place in which he may be found, as well as in any other place in which he might be tried under any law for the time being in force.

Place of trial for offences.

CHAPTER IX.

MISCELLANEOUS.

216. Every sum recoverable under this Act [New, but from any person may be recovered, on application to a Magistrate having jurisdiction where the person is for the time being resident, by the distress and sale of any moveable property within the limits of the Magistrate's jurisdiction belonging to that person.]

Recovery of sums due under Act.

see ss. 11 C, 22, etc., and of Act XX of 1891, s. 201.]

[190.]

217. All arrears of wages due under any labour-contract shall be a charge upon the estate upon which the labourer to whom the labour-contract relates, has been engaged to labour; or, if he has engaged to labour upon any one of several estates managed by the same employer, shall be a charge upon that estate upon which he for the time being actually labours.

[191.]

218. (1) Whenever an estate on which any labourer has under this Act contracted to labour, is transferred by act of parties or operation of law or devolves, the person to whom it is so transferred or on whom it devolves, shall be bound by the labour-contract of the labourer in the same manner and to the same extent as the person by or from whom it is transferred or devolves, would have been bound thereby, and shall have the same rights and remedies under it as such person would have had thereunder, if the estate had not been transferred or had not devolved.

(2) No person who has ceased to be the owner of the estate upon which any labourer has under this Act contracted to labour, shall be liable in respect of any breach of the labour-contract of the labourer which occurs after he has ceased to be owner.

[192.]

V of 1898.

219. (1) Subject to the power of a Magistrate under this Act or the Code of Criminal Procedure, 1898, to award fines in whole or in part as compensation to or for the benefit of any complainant or other person, the Local Government shall credit all fines, fees and rates levied and paid under this Act in the territories under its administration to a fund to be called the "Assam Labour Transport Fund".

(2) The Assam Labour Transport Fund shall be at the disposal of the Local Government, in such manner as the Government of India may direct, for paying the salaries and allowances of all officers and establishments appointed by it under this Act and their pensionary and leave-allowances, for meeting the cost of sending labourers and other persons back to their native districts, and generally for defraying the expenses of carrying out the purposes and objects of this Act and any rules made by the Local Government thereunder.

(3) The annual surplus accruing in the Assam Labour Transport Fund shall be applied to reducing the annual rate or the registration-fees leviable under this Act, and not otherwise.

[194.]

220. Every Assistant Inspector shall perform all such duties and exercise all such powers of an Inspector as he is authorized in writing by the Inspector to perform or exercise.

[195.]

221. All powers conferred by this Act on any Superintendent, Medical Inspector, Emigration Agent or other officer, may be exercised from time to time as occasion requires.

222. The Chief Commissioner of Assam may,

Power to exempt labour district from Act. with the previous sanction of the Governor General in Council, by notification in the local official Gazette, declare that any labour district or local area therein shall, on and with effect from a day, to be fixed in the notification cease to be subject to all the provisions or any specified provision of this Act; and from the day so fixed such labour-district or local area as aforesaid shall cease to be subject to the provisions of this Act or to the provision so specified, as the case may be.

223. The publication of any notification under this Act shall not affect any act done, offence committed or proceedings commenced before such publication.

224. The enactments mentioned in the second schedule are hereby repealed to the extent specified in the fourth column thereof.

THE FIRST SCHEDULE.

FORM OF LABOUR-CONTRACT BETWEEN LABOURER AND EMPLOYER.

(See section 5.)

This contract, made under the Assam Labour and Emigration Act, 1900, between A B (hereinafter called the labourer) of the one part, and* [C D (agent or local agent or garden-sardar) on behalf of] E F (hereinafter called the employer) on the other part, witnesseth that the said* [agent or local agent or garden-sardar on behalf of the said] employer doth hereby promise the said labourer that if he, the said labourer, do remain and labour on the X estate Y estate of his said employer in the labour-district of for the term of years from the date of the execution of this contract, he, the said employer, will, from the date on which the said labourer commences to labour on the said estate, pay or cause to be paid to the said labourer monthly wages at the rate of Rs. for a completed daily task regulated in accordance with the provisions of the said Act, and when such task as aforesaid is not completed, monthly wages calculated at the same rate in proportion to the amount of work actually done, and that during the said period he, the said employer, will supply to the said labourer rice at a price of Rs. per maund and will faithfully comply with all rules regarding house-accommodation, medical treatment and the supply of food grains or rations to the said labourer which the Local Government may prescribe; and this contract further witnesseth that the said labourer doth hereby, in consideration of the aforesaid promise, agree so to remain and labour for the said employer. In witness whereof the said parties

* Parts in brackets to be omitted if the contract is made without the intervention of an agent, local agent or garden-sardar.

† State nature of labour, if the labourer is to be required to work under the ground.

‡ As the case may be.

§ State rates for various periods of contract.

recruiters or contractors as "free" emigrants. Genuinely "free" or "unassisted" emigration to Assam will, however, not be interfered with and a free emigrant on arrival there will still be able to enter into a statutory labour-contract.

2. Recruitment through certificated garden-sardars working under the supervision of a local agent will not be materially affected by the Bill. But, with the object of encouraging *sardari* recruitment, a special procedure is provided, whereby garden-sardars, on being furnished with permits from their respective employers, will be allowed to recruit outside the other provisions of the Act, and to convey their recruits outside its provisions to Assam. This procedure gives legal recognition to the existing practice by which the greater portion of the labour in Sylhet and Cachar is obtained. Further, provision is also made for facilitating recruitment through garden-sardars working under the control of approved agencies or associations of employers of labour.

3. These and other amendments of the present law are more fully detailed in the subjoined *Notes on Clauses*.

The 7th October, 1899.

C. M. RIVAZ.

Notes on Clauses.

Clause 3.—Section 5 of the existing Act I of 1882 takes power for the Local Government to prohibit absolutely all, or any specified class of, natives of India from emigrating from any place or places in the Province to a labour-district or part thereof; and section 7 provides that, save as aforesaid, nothing in the Act shall be deemed to interfere with free emigration outside its provisions altogether. These two sections have here been combined, and two modifications have been made in the former. In the first place, the clause is now directed against, not natives of India emigrating, but persons engaging or assisting them to emigrate, the necessary sanction for the prohibition being found in the corresponding penal clause (clause 166) of the Bill, which—like section 146 of the Act—punishes illegal recruitment. And, secondly, an alternative power is taken to forbid recruitment "otherwise than in accordance with the provisions of the Act".

Clause 5 (4).—It is proposed to raise the minimum monthly wage from Rs. 5 to Rs. 6 in the case of a man, and from Rs. 4 to Rs. 5 in the case of a woman.

Clause 9.—To section 11 of the Act, which declares that nothing in the Indian Contract Act, 1872, shall prevent a person of the age of sixteen years or upwards from entering into a labour-contract, has been added the proviso that no woman may enter into such a contract without the consent of her husband or guardian, if she be married or under lawful guardianship.

Clause 12.—In the present Act provision is made separately in each case for recovering expenditure incurred on behalf of, and moneys declared to be due from, employers of labour and others, and the procedure indicated is sometimes that prescribed for the recovery of arrears of land-revenue, sometimes distress and sale of moveable property, and sometimes recourse to the Civil Courts. It is now proposed to adopt in all cases the process of recovery, on application to a Magistrate having jurisdiction where the defaulter or other person specified is for the time being resident, by the distress and sale of any moveable property belonging to him and found within the limits of the Magistrate's jurisdiction, and this is laid down once for all by clause 216. Elsewhere throughout the Bill all that is done is to specify the person from whom the particular moneys referred to are to be recoverable.

Clause 25.—The addition provides that no recruiter shall be licensed to act on behalf of more than one contractor, or within the local limits of more than one district.

Clause 32.—It is here proposed that the medical officer appointed by the Local Government to examine emigrants should not be required to certify more as regards an intending labourer than that he is fit to undertake the journey to Assam and is "not incapacitated, by reason of any obvious bodily defect or infirmity, for labour in the labour-districts." If more than this is desired by employers of labour, it will be open to them—see clauses 46 and 47 of the Bill—to secure a further and more searching medical examination before registration.

Clause 33.—The additional words will enable the Local Governments to establish offices for registration at convenient centres.

Clause 35.—This new provision has been added in order that suitable arrangements may be made for the return to their homes of labourers whom a registering-officer has found it necessary to refuse to register.

Clause 44.—It is proposed that a labour-contract should be executed after an interval of three days, as well as before the expiration of thirty days, from the arrival of the labourer at the depot. And the proviso, which is new, lays it down that no labour-contract shall be executed except in the district of recruitment or at some other place within the province. The execution of labour-contracts at Dhubri (the head-quarters station of the Goai para district) to labour in other districts of the Brahmaputra Valley, will thus no longer be admissible, and consequently the provisions of sections 112-A and 112-B of the Act have, it will be found, been omitted from the Bill.

Clause 48.—It will, under this provision, be within the discretion of the Superintendent to send a labourer who is prevented from proceeding further on the journey to Assam, back to his native district instead of merely to the place at which he was registered. Consequential alterations have been made in the succeeding clauses.

Clause 56.—This provision has been altered so as to limit the scope of employment of garden-sardars by providing that the certificate of a garden sardar shall authorize him to recruit within the limits of a single district only.

Clause 61.—The certificate of a garden-sardar should, if his operations are to be effectively controlled, be countersigned not only in the labour-district from which he is sent, but also in the district in which he is to recruit. The provisions of section 56 of the Act have been amplified accordingly.

Clause 63.—Where a garden-sardar's certificate is cancelled away from the place in which it was originally accepted and signed, notice of the fact should be given to the Inspector or Magistrate in whose presence it was so accepted and signed; and, whenever an employer cancels a certificate granted by him, the cancellation should be notified both to the Inspector or Magistrate before whom the certificate was accepted and signed by the garden-sardar, and also to the District Magistrate of the district in which the certificate authorized the garden-sardar to recruit labourers. This has here been fully provided for.

Clauses 68 and 69.—The provisions of the second paragraph of section 62 of the Act are here reproduced, but in an imperative, instead of a permissive, form. The effect of this will be that when a local agent, specially licensed under clause 67, engages labourers on behalf of his employer, without the intervention of a garden-sardar, he must forthwith register them and place them under contract as though he were a garden-sardar himself.

Clauses 74 and 77.—The remarks regarding clause 33 will explain the alterations made in these provisions.

Clause 76.—The provisions of section 69 of the Act have here been added to so as to require the execution of labour-contracts after an interval of three days from registration as well as within fifteen days therefrom.

Clauses 85 and 88.—Provision is here made for the return in certain cases of labourers and their dependants either home or to the place of registration, according as the Magistrate or Embarkation Agent may think fit and proper.

Chapter V.—This Chapter, which is entirely new, has been inserted with the object of enabling the Government to facilitate *sardari* recruitment as far as circumstances will admit. Clause 93 first provides for the issue of a notification allowing recruitment by specially appointed garden-sardars, to whom permits are to be given by their employers and who are to be guided thereby, merely reporting their proceedings to the magisterial authorities in the recruiting districts. Clause 94 next proposes a simple system of recruitment by garden-sardars working under the control of recruiting agencies or associations formed and conducted under rules approved by the Local Government, power being also taken for the Local Government to relax the provisions of Chapter IV in the case of garden-sardars employed in the usual way thereunder, if working subject to such control as aforesaid. And, finally, clause 95, by way of precaution, enables the Local Government at any time to step in, if necessary, and suspend or modify the operation of the foregoing provisions.

Clause 126.—As emigrants from, say, Ganjam or the Central Provinces cannot be expected to know Bengali, provision is here made for translations into other languages of the prescribed schedules of task-work.

Clause 162.—The words "or has forwarded or otherwise assisted him to emigrate" have been added so as to cover all garden-sardars and recruiters engaged in recruiting operations.

Clause 164 (g).—It is here expressly provided that all rules shall, on publication, "have effect as if enacted by this Act".

Clause 175.—This new clause is consequential on the inclusion in the Bill of the provisions contained in Chapter V.

Clauses 205-207.—It is thought that, where a labourer is sent to prison for absenting himself or for desertion, the term of his contract ought not to be extended by the period of his imprisonment. The provisions of sections 182, 182-A, 182-B and 182-C of the Act have been modified so as to give effect to this view.

Clause 213.—Section 145 of the Act contains a somewhat unusual provision to the effect that the Local Government may, subject to the control of the Governor General in Council, by rule, prescribe a penalty "for the infringement of any provision of this Act for a breach of which a penalty is not expressly provided". It is proposed to substitute for it this more familiar clause, which itself fixes the penalty for any such breach.

Clause 216.—This has already been explained in connection with clause 12 above.

General.—The remaining amendments, all of which are indicated by means of italics, are believed to be of a formal character.

J. M. MACPHERSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 13th October, 1899:

NO. 23 OF 1899.

A Bill to make better provision for the health, supervision and control of Emigrants proceeding to or from the labour-districts of Assam.

WHEREAS it is expedient to make better provision for the health, supervision and control of emigrants proceeding to or from the labour-districts of Assam; It is hereby enacted as follows:

I. (1) This Act may be called the Assam Short title, extent Emigrants' Health Act, and commencement. 1900.

(2) It extends to the whole of British India, inclusive of the Santhal Parganas; but

[G. Act III of 1898, s. 1. thereof until the Local Government has, as hereinafter provided, declared it to be applicable thereto.]

(3) It shall not come into force in any part thereof until the Local Government has, as hereinafter provided, declared it to be applicable thereto.

(4) The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, apply this Act to the whole or any part of the Province, and may, in like manner, cancel, vary or amend any such notification.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "agent" means a person who engages or assists a native of India to emigrate other-

wise than in accordance with the provisions of the Assam Labour and Emigration Act, 1900, but includes a garden-sardar specially employed under section 93, or working under the control of an approved agency or association under section 94, of the said Act:

—of 1900.

(b) "dependant" means any woman (not being herself an emigrant), child or aged or incapacitated relative or friend accompanying an emigrant with the consent of the agent:

(c) "emigrant" means a native of India engaged or assisted by an agent to emigrate:

(d) "emigrate" denotes the departure of any native of India of the age of sixteen years or upwards (not being a native of a labour-district) from any part of [British] India for the purpose of labouring for hire in a labour-district otherwise than as a domestic servant: and

(e) "labour-district" means any of the districts of Lakhimpur, Sibsagar, Nowgong, Darrang, Kamrup, Goalpara, Cachar and Sylhet in the Province of Assam.

3. (1) The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, make rules to provide for the health, supervision and control of emigrants proceeding through the Province to or from the labour-districts of Assam.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) prescribe the routes by which emigrants and their dependants are to travel on their way to or from the labour-districts:

- (b) require depôts and rest-houses to be provided by, and at the cost of, agents for the accommodation of emigrants and their dependants on or off such routes, and provide for the sanitation and superintendence of such depôts and rest-houses:
- (c) prescribe the mode, and the numerical strength of the parties, in which emigrants and their dependants are to travel, the arrangements to be made by, and at the cost of, agents for facilitating the journey of emigrants, the length of the daily marches of emigrants by road, and the provision to be made by, and at the cost of, agents for the carriage of emigrants and their dependants when suffering from sickness:
- (d) regulate the food to be supplied to emigrants and their dependants by, and at the cost of, agents, and the provision to be so made for the proper cooking of such food:
- (e) regulate the water-supply to be maintained by, or at the cost of, agents for the use of emigrants and their dependants:
- (f) prescribe the clothing to be supplied to emigrants and their dependants by, and at the cost of, agents:
- (g) require suitable hospital accommodation, medical treatment and maintenance to be provided by, or at the cost of, agents for emigrants or their dependants when suffering from sickness on their way to or from any of the labour-districts, and the arrangements to be so made, and the

maintenance to be so provided, for an emigrant and his dependants when either he or any of them is so suffering:

- (h) regulate the disposal by, and at the cost of, agents of the dead bodies of emigrants and their dependants: and
 - (i) regulate the powers of entry and inspection which may be exercised for the purposes of any rule under this Act, and the authorities by whom those powers may be exercised.
- (3) In making any rule under this Act, the Local Government may direct that a breach thereof shall be punishable with fine which may extend to five hundred rupees, and, where the breach is a continuing breach, with a further fine which may extend to fifty rupees for every day after the first in regard to which the offender is convicted of having persisted in the breach.
- (4) Where an agent fails to perform any act which he is by any rule hereunder required to perform, any officer authorized by the Local Government in this behalf may cause the act to be performed, and the cost, together with simple interest thereon at the rate of six per cent. *per annum*, may be recovered, on application to a Magistrate having jurisdiction where the agent is for the time being resident, by the distress and sale of any moveable property within the limits of the Magistrate's jurisdiction belonging to the agent.
4. The Inland Emigrants' Health Act, 1889. Bengal Act of 1889. and so much of the Repealing and Amending Act, 1897, as relates to that Act, are hereby repealed. V of 1897.

STATEMENT OF OBJECTS AND REASONS.

By an Act of the Bengal Council No. 1 of 1889, entitled the Inland Emigrants' Health Act, 1889, provision is made for securing proper arrangements with a view to guarding against sickness and mortality among labourers recruited otherwise than in accordance with the provisions of the Assam Labour and Emigration Act, 1882, on their way to Assam from Lower Bengal, the operation of the enactment being, of course, confined to the latter Province. It is proposed now to repeal that Act and to replace it by an Act of the Governor General's Council capable of application to any part of British India. This Bill has been prepared accordingly, and its provisions are intended also to supplement the new provisions which have, with the object of facilitating emigration to the labour-districts, been included in another Bill to consolidate and amend the law relating to such emigration, which it is proposed to introduce simultaneously in the Supreme Council.

The 7th October, 1899.

C. M. RIVAZ.

J. M. MACPHERSON,
Secretary to the Government of India.



The Gazette of India.

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SIMLA, SATURDAY, OCTOBER 21, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th October, 1899:

NO. 24 OF 1899.

[NOTE.—The portions of clauses 2, 3 and 5 which differ from, or do not appear at all in, the Army Act are, as far as possible, printed in italics.]

A Bill to amend the law relating to the exemption from tolls of persons and property belonging to the Army.

WHEREAS certain officers, soldiers and other persons, and certain animals, baggage and carriages belonging or attached to the Army, are exempted by section 143 of the Army Act from payment of certain duties or tolls;

And whereas similar exemptions are made by various enactments of the Indian legislatures, but these exemptions are not co-extensive with those made by the said Army Act;

And whereas it is expedient to remove the inconsistency now existing between the said Army Act and the said enactments, and to exempt certain other persons and property belonging to the Army from payment of certain tolls;

And whereas it is declared by section 169 of the said Army Act that "it shall be lawful for the Governor General of India . . . to provide by law for reducing any fine directed by this Act to be recovered on summary conviction to such amount as may appear to the Governor General . . . to be better adapted to the pecuniary means of the inhabitants; and also to declare

the amount of the local currency which is to be deemed for the purposes of this Act to be equivalent to any sum of British currency mentioned in this Act", and it is expedient to alter in the manner hereinafter appearing the fine imposed by section 143 of the said Army Act;

It is hereby enacted as follows:

1. (1) This Act may be called the Indian Tolls Short title, extent and commencement. (Army) Act, 1900.

(2) It extends to the whole of British India, inclusive of British Baluchistan, the Santhal Parganas and the Pargana of Spiti; and

(3) It shall come into force on the first day of _____, 1900.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Command" means one of the principal portions into which the Army of India is, for the time being, divided: [Cf. Act V of 1869, Pt. I, cl. (16), inserted by Act XII of 1894, s. 4.]

(b) "ferry" includes every bridge and other thing which is a ferry within the meaning of any enactment authorising the levy of tolls on ferries, but does not include any ferry or other thing which is included in the definition of "railway" in section 3 of the Indian Railways Act, 1890: [Cf. Act XVII, 1878, meaning of any enactment authorising the levy of tolls on ferries, but does not include any ferry or other thing which is included in the definition of "railway" in section 3 of the Indian Railways Act, 1890: IX of 1890.]

(c) the expression "General Officer of the Command" means the General Officer Commanding the Forces in a Command: [Cf. Act V of 1869, Pt. I, clause (16) inserted by Act XII of 1894, s. 4.]

(d) the expression "Her Majesty's Regular Forces" has the meaning assigned to it by section 190, clause (8), of the Army Act, and includes the Indian Reserve Forces when subject to military law: [Cf. Army Act, s. 190, clause (8), of the Army Act, and includes the Indian Reserve Forces when subject to military law: 44 & 45 Vict., c. 58.]

[Cf. Army Act, s. 190 (40).]

[Cf. Army Act, ss. 190 (9), 175 (9).] IV of 1888.

[Cf. Army Act, s. 143 (1).]

[Cf. Indian Army List, July 1st, 1895, pages, 449-472.]

42 & 43 Vict., c. 41.

IX of 1896.

[Cf. Army Act, s. 143. (1), (3).] VIII of 1894.

[Cf. Army Act, s. 143 (1).]

(a) "horse" includes a mule and any beast of whatever description, which is used for burden or draught or for carrying persons :

(f) the expression "Indian Reserve Forces" means the forces constituted by the Indian Reserve Forces Act, 1888, and includes persons holding commissions in the Indian Army Reserve of officers when called out in any military capacity :

(g) "landing-place" includes a pier, wharf, quay, jetty and stage :

(h) the expression "local corps under the Government of India" means the Hyderabad Contingent, the Central India Horse, the Malwa Bhil Corps, the Bhopal Battalion, the Deoli Irregular Force, the Erinpura Irregular Force, the Meywar Bhil Corps, the Merwara Battalion and the Escort of the Resident in Nepal, and includes any other corps which may be notified by the Governor General in Council in this behalf by order published in the Gazette of India :

(i) "public authority" means the Government or a local authority; and, so far as regards tolls levied by a railway company under section 4 of the Indian Guaranteed Railways Act, 1879, or section 51 of the Indian Railways Act, 1890, includes such a railway company : and

(j) "tolls" include duties (other than customs duties levied under the Indian Tariff Act, 1894), dues, rates, rents, fees and charges.

3. The following persons and property, Exemptions from tolls. namely :

(a) all officers and soldiers of—
(i) Her Majesty's Regular Forces,
(ii) any local corps under the Government of India, or
(iii) the Imperial Service Troops when on duty or on the march,

(b) all members of a corps of Volunteers when on duty or on the march,

(c) all officers and soldiers of the Indian Reserve Forces when proceeding from their place of residence on being called out for training or service or when proceeding back to their place of residence after such training or service,

(d) all grass-cutters of mounted corps forming part of—

(i) Her Majesty's Regular Forces,
(ii) any local corps under the Government of India, or
(iii) the Imperial Service Troops,

(e) all other authorized followers of—

(i) Her Majesty's Regular Forces,
(ii) any local corps under the Government of India,
(iii) the Imperial Service Troops, or
(iv) any corps of Volunteers,

when accompanying any body of such Forces, Troops or Volunteers or any members of such corps on the march, or when otherwise moving under the orders of competent military authority,

(f) all members of the families of officers, soldiers or authorised followers of—

(i) Her Majesty's Regular Forces, or
(ii) any local corps under the Government of India,

when accompanying any body of such force or any members of such corps on the march,

(g) all prisoners under military escort,

(h) the horses and baggage of the persons mentioned in clauses (a) and (b), respectively, when accompanying such persons when they are on duty or on the march,

(i) the horses of the persons mentioned in clause (d),

(j) the horses and baggage of the followers and families mentioned in clauses (e) and (f), respectively, when accompanying such followers or families under the circumstances mentioned in those clauses respectively,

(k) all carriages, horses and other animals belonging to Her Majesty or employed in Her Majesty's military service, when conveying any such persons as hereinbefore in this section mentioned, or when conveying baggage or stores, or when returning from conveying such persons, baggage or stores, or when otherwise moving under the orders of competent military authority,

(l) all carriages and horses, when moving under the orders of competent military authority for the purpose of being employed in Her Majesty's military service, and

(m) all persons in charge of carriages or animals mentioned in clause (k) or clause (l), when accompanying the same under the circumstances mentioned in those clauses respectively,

shall be exempted from payment of any tolls—

(n) on embarking or disembarking, or on being shipped or landed, from or upon any landing-place, or

(o) in passing along or over any turnpike or other road or bridge, or

(p) on being carried by means of any ferry, otherwise demandable by virtue of any Act, Ordinance, Regulation, order or direction of any legislature or other public authority in British India :

Provided that nothing in this section shall exempt any boats, barges or other vessels employed in conveying the said persons or property along any canal from payment of tolls in like manner as other boats, barges and vessels.

[Cf. Bombay
Act VI of
1899, s. 44;
Bombay Act
VI of 1886, s.
45.]

4. No tolls shall be leviable by any local authority in respect of—

Tolls on vessels trans-
porting troops and bag-
gage, etc., of troops
embarked or disem-
barked.

- (a) any vessel employed by the Government solely for the transport of troops, or
- (b) the baggage or other effects of any troops embarking or disembarking at any port.

(2) In respect of all such vessels or troops, their families, their baggage and their effects, the local authority concerned shall, in addition to its duties in the embarking and disembarking of the same, perform and supply all such reasonable services and accommodation as may, from time to time, be required by the Government, and shall receive payment for all such services, and accommodation on such terms and for such periods as may, from time to time, be determined by the Government in consultation with such local authority.

[Cf. Army
Act, s. 143
1898.]

5. Any person who demands and receives any toll in contravention of the provisions of section 3 or section 4, shall, notwithstanding anything in Chapter XXII of the Code of Criminal Procedure, 1898, be tried in a summary way, and shall be punishable with fine which may extend to fifty rupees.

[Cf. Act II,
1873, s. 8;
Act XVII,
1881, s. 15;
Act XI, 1881,
s. 4, 5; Ben.
Act I, 1885,
s. 18.]

6. Where, immediately before the commencement of this Act, any tolls referred to in section 3 are leased, and any persons or articles of property mentioned in that section are not exempted by reason either of—

- (a) some enactment, or
- (b) some order or direction made or given by a public authority, or
- (c) the terms of the lease, or
- (d) local usage,

from payment of such tolls, then the lessee shall be entitled to compensation for any loss which he may be proved to have incurred from the operation of section 3.

7. Where, immediately before the commencement of this Act, any persons or articles of property mentioned in section 3 are not exempted by reason either of—

Compensation to rail-
way companies, local
authorities etc., for new
exemptions from tolls
on roads or bridges.

- (a) some enactment, or
- (b) some order or direction made or given by a public authority, or
- (c) local usage,

from payment of any tolls leviable by—

[Cf. 43 Vict.,
1899.]

(i) a railway company acting under section 4 of the Indian Guaranteed Railways Act, 1879, or section 51 of the Indian Railways Act, 1890, or

(ii) a local authority, or

(iii) the Government, acting as a railway administration,

on the passing of such persons or property along or over any road or bridge, then such company, authority or administration shall, except in respect of tolls which are for the time being leased, be entitled to compensation for any loss which it may be proved to have incurred from the operation of section 3.

8. Where, immediately before the commencement of this Act, any persons or articles of property mentioned in section 3 are not exempted by reason either of—

Compensation for use
of ferries.

- (a) some enactment, or
- (b) some order or direction made or given by a public authority, or
- (c) local usage,

from payment of any tolls referred to in that section on the carrying of such persons or property by means of a ferry, then the public authority by whom such tolls are leviable, shall, except in respect of tolls which are for the time being leased, be entitled to compensation for the service rendered in carrying such persons or property by means of the ferry.

9. The amount of any compensation payable under section 6, section 7 [Cf. Act II, 1873, s. 8; Act XVII, 1881, s. 15; Act XI, 1881, s. 4, 5; Ben. Act I, 1885, s. 18.] or section 8 shall, subject to the control of the Governor General in Council, be settled, from time to time, by the Commissioner or by such other officer as the Local Government may appoint in this behalf.

10. (1) The Local Government, in consultation with the General Officer of the Command and with the previous sanction of the Governor General in Council, may make rules to carry out the purposes and objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) declare what evidence shall be accepted as proof that any person or property by or for whom or for which an exemption is claimed under section 3 or section 4, is entitled to such exemption; and
- (b) declare in what cases the amount of any compensation payable under section 6, section 7 or section 8 shall be referred for the previous sanction of the Governor General in Council.

(3) The power to make rules under this section is subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be published in the local official Gazette, and, on such publication, shall have effect as if enacted by this Act.

II. The enactments specified in the schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Repeals.

THE SCHEDULE.

ENACTMENTS REPEALED.

(See section 11.)

Year.	Number.	Short title or subject.	Extent of repeal.
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Acts of the Governor General in Council.

1851	VIII	The Indian Tolls Act, 1851.	In section 4, <i>the words</i> of troops and Military stores and equipages on their march or.
1878	XVII	The Northern India Ferries Act, 1878.	So much of section 15 as provides for the exemption from payment of tolls of any persons, animals, vehicles or other things which are exempted by section 3 of this Act.

Acts of the Governor of Fort St. George in Council.

1884	I	The City of Madras Municipal Act, 1883.	In section 174, <i>the word</i> troops and <i>the word</i> Military; also so much of the section as relates to any Government stores, vehicles, animals or other property which are or is exempted by section 3 of this Act.
"	IV	The Madras District Municipalities Act, 1884.	In section 91, sub-section (3), clause (b), as amended by the Madras District Municipalities Act Amendment Act, 1897 (Madras Act III of 1897), <i>the words</i> troops, military stores and baggage, Military and.
"	V	The Madras Local Boards Act, 1884.	In section 87, sub-section (3), <i>the words</i> troops on their march or of military and <i>the words</i> military and; also so much of the sub-section as relates to any Government stores or equipages which are exempted by section 3 of this Act.

Acts of the Governor of Bombay in Council.

1868	II	The Bombay Ferries Act, 1868.	Section 3, clause (a).
1875	III	Tolls on Public Roads and Bridges.	In section 5, <i>the words</i> of troops and military stores and equipages on their march or.
1879	VI	The Bombay Port Trust Act, 1879.	Section 44.
1886	VI	The Karachi Port Trust Act, 1886.	Section 45.
1888	III	The City of Bombay Municipal Act, 1888.	In section 190, sub-section (1), <i>the letter</i> (b); also so much of the rest of the sub-section as excepts vehicles which are exempted by section 3 of this Act.
"	V	The Aden Port Trust Act, 1888.	Section 40, sub-section (3), clause (b).

Acts of the Lieutenant-Governor of Bengal in Council.

1876	V	The Bengal Municipal Act, 1876.	In section 159, <i>the words</i> of troops on the march or of animals or vehicles employed in the transport of such troops or <i>the words</i> military or, in both places in which they occur, and <i>the words</i> or of any animals, whether belonging to Government or otherwise, which are attached to a regiment or a Military Department, and which pass through a toll-bar: Provided that tolls shall be leviable for conveying such animals over a ferry; also so much of the section as relates to any Government stores which are exempted by section 3 of this Act.
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THE SCHEDULE—*contd.*

Year.	Number.	Short title or subject.	Extent of repeal.
<i>Acts of the Lieutenant-Governor of Bengal in Council—contd.</i>			
1884	III	The Bengal Municipal Act, 1884.	In section 168, the words of troops on the march or of animals or vehicles employed in the transport of such troops or, the words military or in both places in which they occur, and the words or of any animals, whether belonging to Government or otherwise, which are attached to a regiment or a Military Department, and which pass through a toll-bar: Provided that tolls shall be leviable for conveying such animals over a ferry; also so much of the section as relates to any Government stores which are exempted by section 3 of this Act.
1885	I	The Bengal Ferries Act, 1885.	So much of section 18 as provides for the exemption from payment of tolls of any persons, animals, vehicles or other things which are exempted by section 3 of this Act.
<i>Act of the Lieutenant-Governor of Burma in Council.</i>			
1898	II	The Burma Ferries Act, 1898.	So much of section 16 as provides for the exemption from payment of tolls of any persons, animals, vehicles or other things which are exempted by section 3 of this Act.

STATEMENT OF OBJECTS AND REASONS.

SECTION 143 of the Army Act (44 & 45 Vict., c. 58) exempts certain officers, soldiers and other persons, and certain animals, baggage and carriages belonging or attached to the Army, from the payment of certain tolls, and the provision is applicable to India in common with the rest of Her Majesty's dominions. In the Indian Statute-book, however, there are several enactments on the same subject; and these, while they provide for exemption from the payment of tolls of the classes referred to in the Army Act, do so in favour of persons more or less different from those indicated in that Act. Moreover, there are some Acts of the Indian legislatures which authorize the levy of tolls of the same classes as those described in the English Statute, but which either contain no exempting clauses at all or merely contain clauses empowering the Executive to allow exemptions.

2. In these circumstances, it has been decided to legislate. In the case of those Indian enactments which contain lists of exempted persons and property, legislation is necessary in order to remove the conflict which at present exists between them and the Army Act. The latter would of course prevail if the conflict were brought to the notice of the Courts; but, so long as the Indian enactments remain as they now are, it is probable that full effect may not always in practice be given to the Army Act. In the case, too, of the remaining enactments of the Indian legislatures above mentioned, it is not unlikely that the provisions of s. 143 of the Army Act may be overlooked, tolls being levied under the local law in cases in which their levy is in reality prohibited by Parliament.

3. The present Bill reproduces s. 143 of the Army Act, except sub-section (2), which does not apply to India, and amplifies its provisions so as to cover certain additional exemptions, all inconsistent provisions to be found in the Indian Statute-book being at the same time repealed. Section 22 of the Indian Councils Act, 1861 (24 & 25 Vict., c. 67), prevents the repeal of s. 143 of the Army Act by the Governor General's Legislative Council, but it is believed that there is nothing to prevent that Council from re-enacting the section, and, in doing so, extending the list of persons and property to be exempted from

payment tolls. The list now given in the Bill is a provisional one only. It requires careful consideration, and attention is, therefore, specially invited to its details.

4. The contents of the Bill are explained at length in the annexed *Notes on Clauses*.

The 19th October, 1899.

C. M. RIVAZ.

Notes on Clauses.

Clause 2.—Several of the definitions set forth in this clause are taken from the Army Act. The portions which differ from, or do not appear at all in, that Act are, as far as possible, printed in italics.

The definitions of "Command" and "General Officer of the Command" are new, and are required for the purposes of clause 10 of the Bill.

The definition of "ferry" is merely formal. In regard to the exclusion of ferries which are comprised in the definition of "railway" in s. 3 of the Indian Railways Act, 1890 (IX of 1890), it may be explained that the tolls imposed on ferries by or under the various Indian enactments in force are apparently not leviable on ferries which are "used for the purposes of the traffic of a railway and belong to, or are hired or worked by, the authority administering the railway".

The definition of "horse" is taken from s. 190 (40) of the Army Act, some verbal alterations being made which do not affect the substance.

The definition of "Indian Reserve Forces" is new, that of "reserve forces" in s. 190 (9) of the Army Act being inapplicable to India.

The definition of "landing-place" includes piers, wharves and quays, which are mentioned in s. 143 of the Army Act and in several of the Indian enactments, and jetties and stages, which are mentioned in some Indian enactments.

The definition of "local corps under the Government of India" is new, being introduced in connection with clause 3 of the Bill.

Statutory tolls are leviable in British India by (1) the Government, (2) District Boards, District Councils, Local Boards, Municipalities and Port Trusts, and (3) Railway Companies. The term "public authority" has been employed in the Bill to designate all these bodies, and is defined accordingly. It has been made to include those railway companies only which levy tolls under s. 4 of the Indian Guaranteed Railways Act, 1879 (42 & 43 Vict. c. 41), or s. 51 of the Indian Railways Act, 1890 (IX of 1890), tolls levied under either of these enactments being covered by s. 143 of the Army Act, but not tolls levied by railway companies independently of them.

On the other hand, the definition has been drawn so as to exclude private individuals who levy tolls (otherwise than as the mere delegates of a "public authority") and companies levying tolls, other than railway companies acting under one or other of the Railway Acts mentioned above. It would be improper to interfere with the levy of tolls by such individuals or companies without their consent; and s. 143 of the Army Act apparently does not apply to such tolls.

The definition of "tolls" includes (1) "duties," which are mentioned in s. 143 of the Army Act, (2) "dues," "rents," "fees" and "charges," which are mentioned in several of the Indian enactments, and (3) "rates," which are mentioned both in s. 143 of the Army Act and in several of the Indian enactments.

Customs-duties have been expressly excluded. It is not intended that the Bill should apply to them, and it seems clear that the word "duties" in s. 143 of the Army Act does not refer to them.

Clause 3.—The additions which it is at present proposed to make in re-enacting s. 143 of the Army Act are, as far as possible, printed here in italics.

The "local corps under the Government of India" are for the most part ordinarily stationed in Native territory, but it is considered necessary to mention them because they may be marched into British India. Local corps not under the Government of India have advisedly been omitted because they are employed for local purposes only. They do not ordinarily leave their posts or stations, and, should it be found desirable to exempt any of them from payment of any particular tolls, it will, no doubt, be possible to make special arrangements.

Carriages and transport animals belonging to Her Majesty, or employed in Her Majesty's military service, are exempted by the Army Act from the payment of tolls when conveying officers or soldiers of the Regular Forces on duty or on the march, prisoners under

military escort, horses, baggage or stores, and when returning from conveying the same. In this exemption "other animals" have been included so as to cover the slaughter-cattle which are generally driven along with troops on the march. The words "when otherwise moving under the orders of competent military authority" have also been inserted.

Sub-clause (f) has been added to cover carriage collected for the use of troops about to march or for the purposes of an expedition or other special service.

The following are the other alterations made by clause 3:

- (r) In sub-clause (n) the words "or on being shipped or landed" are new. The words "embarking or disembarking" refer, strictly speaking, only to persons, although, as used in s. 143 of the Army Act, they are intended to apply also to the property there mentioned. The words "or on being shipped or landed" are added to secure greater precision; also because several Indian enactments specifically authorize the levy of tolls on property "shipped or landed."
- (s) Sub-clause (p) is new. S. 143 of the Army Act does not exempt military persons or property from payment of tolls at ferries. But most of the Indian enactments on the subject provide for such exemptions, and it is, therefore, thought that clause 3 of the Bill should apply to ferries, subject to the provisions as to compensation hereinafter mentioned.
- (t) The word "Regulation" is inserted in the latter part of the clause because authority to levy tolls is given by certain Regulations made under the Government of India Act, 1870 (33 Vict., c. 3).
- (u) The word "public" is inserted before the word "authority" near the end of the clause for the reasons given above in connection with the definition of the expression "public authority" as used in the Bill.
- (v) The proviso is copied from the proviso to s. 143 (r) of the Army Act, the word "property" being substituted for the words "horses, baggage or stores." The Indian enactments which authorize the levy of tolls on vessels passing along canals or other lines of navigation, appear to be—
 - (a) Act XXII of 1856 (Karatoya River), s. 1;
 - (b) Act I of 1867 (Ganges Tolls), s. 2;
 - (c) Act II of 1881 (Pegu and Sittang Canal), s. 4;
 - (d) Bengal Act V of 1864 (Canals and other lines of navigation), s. 5; and
 - (e) Madras Act II of 1890 (Canals and other lines of navigation), s. 6 (6).

Clause 4.—Provision is here made in respect of tolls leviable at landing-places. The question has lately arisen in connection with the embarkation and disembarkation of troops at the ports of Bombay and Karachi, and it was originally proposed to provide in the manner indicated by this clause of the Bill for these important cases alone by amending s. 44 of the Bombay Port Trust Act, 1879 (Bombay Act VI of 1879), and s. 45 of the Karachi Port Trust Act, 1886 (Bombay Act VI of 1886), so as to require compensation to be given by the Government for any services rendered by the Port authorities in this connection. There may, however, be other similar cases, and it has, therefore, been decided to include in the Bill a general enactment on the subject and to repeal the provisions of the special Acts above referred to.

Clause 5.—The alterations here made in sub-section (3) of s. 143 of the Army Act are shown in italics. It is proposed, in exercise of the power conferred by s. 169 of the Statute, to reduce the fine to a maximum of fifty rupees, and it has been thought unnecessary expressly to fix any minimum.

Clauses 6 to 9.—These clauses contain provisions for the admission of claims to compensation in cases where actual loss may be occasioned by the operation of clause 3. For the present no attempt has been made to indicate precisely what the machinery should be for determining the extent of such loss; but it is felt that, if possible, claims for compensation should be provided for, and these clauses have been drawn more as indicating this feeling and as a basis for discussion than as definitely expressing the conditions and limitations under which claimants should receive compensation.

Clause 6 declares that the lessees of tolls shall be entitled to compensation for any loss which they may be proved to have incurred from the introduction of the new exemptions mentioned in clause 3. The clause follows precedents in Indian legislation, and it seems only just that, where a right to collect tolls has been purchased on the basis of the existing law, the purchaser should receive compensation for any curtailment of that right. It is considered important to refer to exemptions made in accordance with local usage because it is believed that military establishments are in practice sometimes allowed to pass free of tolls even although no exemption could be claimed under statutory authority or under the terms of leases, and there is no necessity for paying compensation for any but actual losses.

Compensation should clearly be provided for in the case of new exemptions from tolls leviable by railway companies. This it is proposed to effect by clause 7 of the Bill.

It is for consideration, however, whether a right to compensation should be given in the case of new exemptions from tolls leviable by the Government or by local authorities.

As regards the Government, it seems clear that there is no real necessity for paying compensation, since the result would merely be to transfer money from one Department of the State to another. But it is apprehended that State Railway Administrations would object to allowing any new exemptions without payment of compensation, on the ground that their earnings as commercial undertakings would be decreased; and these bodies have accordingly been included.

As regards local authorities, it may be said that, since their power to levy taxes is derived from the Government, the Government may fairly claim that its own establishments and property should be exempted from such taxes without payment of compensation; and it may be noted that many of the Indian enactments already expressly provide for such exemptions. On the other hand, it has been said that local self-governing bodies will be discouraged from improving communications if the loss by exemption should turn out to be serious, a result which would be unsatisfactory to all concerned. Pending the settlement of this question, local authorities have been included in clause 7 of the Bill.

The right to compensation for new exemptions is given by clause 7 in the case of those tolls only which are leviable on roads or bridges. Compensation in the case of tolls at ferries is provided for by clause 8. The case of the other tolls mentioned in s. 143 of the Army Act, namely, those leviable at landing-places, has already been noticed in connection with clause 4 of the Bill.

Tolls at ferries and at landing-places stand on a somewhat different footing from other tolls, since they represent payments for services directly rendered; and it seems but fair that compensation should be allowed for the new exemptions, although the existing Indian enactments do not, as a matter of fact, provide for compensation for the exemptions already allowed in such cases.

Clause 9 provides for the settlement of the amount payable as compensation under clause 6, clause 7 or clause 8. In placing this duty on the Commissioner of the Division or an officer to be selected by the Local Government, the clause follows s. 15 of the Northern India Ferries Act, 1878 (XVII of 1878). It has, however, been deemed right to make all awards subject to the control of the Governor General in Council so as to give the Government of India power to supervise the disbursements on account of compensation. It will not be necessary for every petty case to be referred for the orders of the Governor General in Council; but, in order to make the control really effective, instructions will probably be issued to the effect that the amounts proposed to be paid in the more important cases must be submitted for previous sanction. The cases in which previous sanction should be obtained can be declared by means of rules more appropriately than by the Bill itself, and this matter is accordingly mentioned in clause 10.

Clause 10.—The only other matter of importance here dealt with is the identification of persons and property for whom or for which exemptions may be claimed under the proposed measure. The necessity for enacting some provisions on this head has been pressed upon the Government of India by several Local Governments, and the best course seems to be to leave such details to rules.

It has been provided that all rules shall be made by Local Governments in consultation with the proper military authorities, and, in order to secure uniformity as far as possible, that the previous sanction of the Governor General in Council shall be required in each case.

Clause 11 and Schedule.—This part of the Bill proposes the repeal of such of the provisions to be found in existing Indian enactments as will be superseded if the Bill, in its present form, becomes law.

J. M. MACPHERSON,

Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 23, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd December, 1899:—

NO. 25 OF 1899.

A Bill to amend the Indian Articles of War.

WHEREAS it is expedient to amend the Indian Articles of War; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Articles of War Amendment Act, 1900; and
Short title and commencement.
(2) It shall come into force at once.

2. For sub-article (2) of article 4 of the said Indian Articles of War, the following sub-articles shall be substituted, namely:—
Substitution of new sub-articles for sub-article (2) of article 4, Act V, 1869.

"(2) Unattested recruits who, in the opinion of their Commanding Officer, are not likely to make good soldiers, and persons attested under these Articles who are serving in a cavalry corps and who have, in the opinion of their Commanding Officer, failed to become good riders, shall be liable to discharge from the service by order of the Commanding Officer of the corps or department to which they may belong:

"Provided that, in the case of persons attested under these Articles, this liability shall cease on the completion of their third year of service.

"(3) Every person so dismissed or discharged shall forfeit all claim to pension."

STATEMENT OF OBJECTS AND REASONS.

The practice of discharging from the service unattested recruits who were considered by their Commanding Officer to be unlikely to make good soldiers, and, in the cavalry branch, of discharging men at any time within the first three years of their service if they had failed to become, or were unlikely to become, good riders, was in vogue in the native army from its earliest days. In course of time, however, doubts arose as to the legality of the practice and, in deference to those doubts, it was discontinued. It has now been found, by experience, that it is necessary that Commanding Officers should be invested with the power in question, and the proposed amendment is introduced to place the legality of such proceedings beyond doubt.

EDWIN H. H. COLLEN,
Major-General.

The 21st December, 1899.

J. M. MACPHERSON,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 5, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED
FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE
PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892
(24 & 25 VICT., C. 67, AND 55 & 56 VICT., C. 14.)

The Council met at the Viceregal Lodge, Simla, on Friday, the 28th July, 1899.

PRESENT:

- His Excellency Baron Curzon of Kedleston, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.
- His Honour Sir W. Mackworth Young, K.C.S.I., Lieutenant-Governor of the Punjab.
- His Excellency General Sir W. S. A. Lockhart, G.C.B., K.C.S.I., Commander-in-Chief in India.
- The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.
- The Hon'ble Mr. C. M. Rivaz, C.S.I.
- The Hon'ble Mr. C. E. Dawkins.
- The Hon'ble Mr. T. Raleigh.
- The Hon'ble Lieutenant-Colonel R. Gardiner, R.E.
- The Hon'ble Rai Bahadur Pandit Suraj Kaul, C.I.E.

CURRENCY CONVERSION (ARMY ANNUAL) BILL.

The Hon'ble MAJOR-GENERAL SIR EDWIN COLLEN moved that the Bill to provide for the conversion into British Indian currency of sums expressed in British currency in the Army Act be taken into consideration.

The motion was put and agreed to.

The Hon'ble MAJOR-GENERAL SIR EDWIN COLLEN moved that the Bill be passed.

The motion was put and agreed to.

TELEGRAPHIC PRESS MESSAGES BILL.

The Hon'ble MR. RIVAZ moved that the Bill to provide for the protection of certain telegraphic press messages be referred to a Select Committee consisting of the Hon'ble Mr. Raleigh, the Hon'ble Mr. Dawkins and the mover, with instructions to report after one month.

The motion was put and agreed to.

PRISONERS BILL.

The Hon'ble MR. RALEIGH moved for leave to introduce a Bill to consolidate the law relating to Prisoners confined by order of a Court. He said:— "This Bill was described by my predecessor as a novelty in Indian legislation. It is a Bill of pure consolidation and makes no change in the substance of the law. In the Imperial Parliament, as Your Lordship is aware, Consolidation Bills are referred to a Joint Committee consisting, for the most part, of legal experts, and, if the Committee reports favourably, the Bill is passed by a sort of self-denying ordinance, the Government making no change in the substance of the law, and private members offering no amendments of substance. In India, I hope that no special rules may be necessary in order to pass a Bill of this character. Apart, altogether, from any changes we may desire to make in the substance of the law, there can be no doubt at all that consolidation will be useful as bringing together the enactments scattered through a number of statutes and thereby saving time and trouble to those who have to administer the law. The draft Bill as it came to me contained one or two trifling alterations, but those alterations, though they were improvements, have been struck out in order that I might introduce this Bill as a Consolidation Bill; and if it is the first I hope it may not be the last that I shall be in charge of."

The motion was put and agreed to.

The Hon'ble MR. RALEIGH introduced the Bill.

The Hon'ble MR. RALEIGH moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

CENTRAL PROVINCES COURT OF WARDS BILL.

The Hon'ble MR. RIVAZ moved for leave to introduce a Bill to consolidate and amend the law relating to the Court of Wards in the Central Provinces. He said:—"The Act which at present regulates the superintendence of the person and property of Government Wards in the Central Provinces was framed in 1885. Since then, the whole question of Court of Wards' management has been thoroughly considered by the Government of India in consultation with Local Governments, and the law on the subject is at present being amended and improved in most Provinces by the local legislatures. In the Central Provinces also, the present law needs improvement and consolidation, in order to make it more clear, precise and effective. The principal amendments embodied in the Bill which I am asking leave to introduce are that the Commissioner of the Division will in future be the Court of Wards in place of the Deputy Commissioner of the District; the Local Government will have power to declare persons to be incapable of managing their property on account of mental as well as physical defects or infirmities; it will also be able, on the application of a proprietor, to place his property under the superintendence of the Court of Wards, when it is thought expedient in the public interest to do so; provision is made for the early ascertainment of the liabilities of wards' properties and the prompt adjudication of claims against them; also for preventing a ward from creating any fresh encumbrances on his estate while it is under the management of the Court of Wards; and, lastly, the Court of Wards will have the power to

retain charge of an estate, with the sanction of the Local Government, until all debts and liabilities are discharged, when a ward dies or ceases to be disqualified, if his property is still encumbered at such time. The reasons for these various amendments in the present law are given in the Statement of Objects and Reasons which is appended to the Bill, and I need not take up the time of the Council by repeating them."

The motion was put and agreed to.

The Hon'ble MR. RIVAZ introduced the Bill.

The Hon'ble MR. RIVAZ moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English and in the Central Provinces Gazette in English and in such other languages as the Local Administration thinks fit.

The motion was put and agreed to.

PUNJAB COURTS BILL.

The Hon'ble MR. RIVAZ moved for leave to introduce a Bill further to amend the Punjab Courts Act, 1884. He said:—"The law of the Punjab in regard to appeals from appellate decrees in civil suits differs from the provisions of the Civil Procedure Code on this subject in the following respects. Under the Code no second appeal lies in any suit of the nature cognizable in a Court of Small Causes, when the amount or value of the subject-matter of the original suit does not exceed 500 rupees; but in all other suits, a second appeal lies to the High Court on the ground that the decision appealed against is contrary to some specified law or usage having the force of law, or that it has failed to determine some material issue of law or usage having the force of law, or that there has been some substantial error or defect in the prescribed procedure, which may possibly have produced error or defect in the decision of the case upon the merits. In the Punjab, the law since 1888 has been as follows. All civil suits are classified under three heads, namely, (1) small causes, (2) land suits and (3) unclassified suits,—this last head including all suits which are neither small causes nor land suits. A second, or, as it is termed in the Punjab Courts Act, a further, appeal is allowed to the Chief Court on any ground which would be a good ground of appeal if the decree had been passed in an original suit, in the following cases, namely, (1) if the value of the suit is 1,000 rupees or upwards, or the decree involves directly some claim to, or question respecting, property of like value; or (2) in a land suit where the decree of the appellate Court varies or reverses, otherwise than as to costs, the decree of the Court below; or (3) if on the application of any party, except in small causes of less value than 1,000 rupees or in unclassified suits of the value of 100 rupees or under, the Judge of the appellate Court certifies that there is a question of law or custom involved, and that the case is, in his opinion, of sufficient importance to justify a further appeal.

"Experience has shown that this present law of further appeal in the Punjab is undesirably wide, especially as regards the facilities it affords for protracted litigation in petty land suits; that a great deal of the time of the Chief Court is taken up in dealing with comparatively trifling and unimportant cases; and that, consequently, under the present circumstances, the Punjab requires a Chief Court of six Judges, which is the same strength as that of the High Court of the North-Western Provinces, whose jurisdiction extends over a population half as large again as that of the Punjab. Both in the interests of the people and on the ground of reasonable economy, the Government of India think it very necessary to curtail the present facilities of appeal in the Punjab, to reduce the present number of the Chief Court Judges to a strength appropriate to the circumstances of a poor and comparatively small province like the Punjab, and to enable the Court, by relieving it of its present burden of petty appellate business, to devote a proper amount of time to the important duty of supervision of the work of the lower Courts. The measures for attaining these objects, which are embodied in the Bill which I am introducing, have been framed after careful deliberation and consultation with the Punjab Government and the Chief Court, and they are, for the most part, based on a scheme submitted by the Lieutenant-Governor and approved by the Judges. It is proposed to maintain the present system of second appeal in

its main principles, that is, when such an appeal is allowed at all, to allow it on the whole case and not only on questions of law or custom, but the money limit, subject to which further appeals are allowed, is being raised for each class of suit, and a broad distinction is made between cases in which there are two concurrent decisions and those in which the decree of the first Court is varied or reversed by the appellate Court. It is proposed to allow a further appeal in small causes only when the value is of 1,000 rupees or upwards in the case of two conflicting decisions and in no case when there are two concurrent decisions; in land suits, only when the value is of 250 rupees or upwards in the case of two conflicting, and of 1,000 rupees or upwards in the case of two concurrent, decisions; and in unclassified suits, only when the value is of 1,000 rupees or upwards in the case of two conflicting decisions, and of 2,500 rupees or upwards when they are concurrent.

"At the same time, it is proposed to abolish the present system of certificate appeal on questions of law or custom, as being unsuitable to the circumstances of the Punjab, and in its stead to enlarge the revision powers of the Chief Court. These powers are at present more restricted than those conferred by section 622 of the Civil Procedure Code upon High Courts. A High Court can interfere on the revision side when a lower Court acts, in the exercise of its jurisdiction, illegally or with material irregularity; but in the application of section 622 to the Punjab, the words "illegally or" have been omitted. It is proposed to extend the present revisional power of the Chief Court to non-appealable cases in which a question of law or custom and of general interest is involved, on application being made within 30 days from the date of the order in respect of which the application is made."

His Honour THE LIEUTENANT-GOVERNOR said:—"Not having had yet an opportunity of studying the provisions of the Bill, I am unable, at the present time, to enter into details, but I think it is proper that I should state at this stage that I am in entire concurrence with the views of my Hon'ble friend in the matter of this Bill. A great deal of correspondence has taken place in connection with it, and as the Hon'ble Mr. Rivaz says, and so far as I can judge from the account which he has given of the Bill, it is framed mainly upon the recommendations of the Local Government which, however, were undoubtedly called for by the remarks of the Government of India in connection with the administration of the Courts of Criminal and Civil Justice in the Province. The measure may be said to be one very largely in the interests of economy, and it may be a question whether the state of litigation in the Punjab is such as to require such a large Bench as the present Chief Court of the Punjab. I think that probably in regard to this matter there will be something to be said in the course of the discussions that will ensue on this Bill. The conditions of litigation in the Punjab are very different from those prevailing in other Provinces with which the Punjab is very often compared, and I think that in all probability it would be possible to justify the past action of the Local Government when, from time to time, it has asked for extra Judges to sit on the Bench of the Chief Court. However, I think that all are agreed that the time has come when, without sacrificing unduly the interests of justice, it is possible to make some economies, and the present Bill is largely aimed at doing this. The provisions of the Bill as explained by the Hon'ble Member have, as I have said, my concurrence."

The motion was put and agreed to.

The Hon'ble MR. RIVAZ introduced the Bill.

The Hon'ble MR. RIVAZ moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English and in the Punjab Government Gazette in English and in such other languages as the Local Government thinks fit.

The motion was put and agreed to.

The Council adjourned to Friday, the 25th August, 1899.

J. M. MACPHERSON,

Secretary to the Government of India,

Legislative Department.

SIMLA;

The 1st August, 1899. }



The Gazette of India.

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SIMLA, SATURDAY, AUGUST 26, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892 (24 & 25 VICT., C. 67, AND 55 & 56 VICT., C. 14.)

The Council met at the Viceregal Lodge, Simla, on Friday, the 25th August, 1899.

PRESENT:

His Excellency Baron Curzon of Kedleston, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.
His Honour Sir W. Mackworth Young, K.C.S.I., Lieutenant-Governor of the Punjab.
His Excellency General Sir W. S. A. Lockhart, G.C.B., K.C.S.I., Commander-in-Chief in India.
The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.
The Hon'ble Mr. C. M. Rivaz, C.S.I.
The Hon'ble Mr. C. E. Dawkins.
The Hon'ble Mr. T. Raleigh.
The Hon'ble Lieutenant-Colonel R. Gardiner, R.E.
The Hon'ble Rai Bahadur Pandit Suraj Kaul, C.I.E.
The Hon'ble Mr. Gungadhar Rao Madhav Chitnavis, C.I.E.
The Hon'ble Rai Bahadur Protul Chandar Chatterjee.

NEW MEMBER.

The Hon'ble RAI BAHADUR PROTUL CHANDAR CHATTERJEE took his seat as an Additional Member of Council.

CENTRAL PROVINCES COURT OF WARDS BILL.

The Hon'ble MR. RIVAZ moved that the Bill to consolidate and amend the law relating to the Court of Wards in the Central Provinces be referred to a Select Committee consisting of the Hon'ble Mr. Raleigh, the Hon'ble Mr. Chitnavis and the mover, with instructions to report after one month.

The motion was put and agreed to.

PUNJAB COURTS BILL.

The Hon'ble MR. RIVAZ moved that the Bill further to amend the Punjab Courts Act, 1834, be referred to a Select Committee consisting of the Hon'ble Mr. Raleigh, the Hon'ble Rai Bahadur Pandit Suraj Kaul, the Hon'ble Rai Bahadur P. C. Chatterjee and the mover, with instructions to report after one month.

The motion was put and agreed to.

PRESIDENCY BANKS BILL.

The Hon'ble MR. DAWKINS moved for leave to introduce a Bill further to amend the Presidency Banks Act, 1876. He said :—"I think I need add nothing to what is explained in the Statement of Objects and Reasons. As is well known, strict limitations, which perhaps to some extent have survived the times and conditions which rendered them necessary, are placed upon the business which the Presidency Banks are authorized to transact. For instance, as regards Railways and Companies, the Presidency Banks are limited by section 36, sub-section 3, to dealing in the securities of such Railways or other Companies, the interest whereon shall have been guaranteed by the Secretary of State in Council. As regards Municipalities, the Banks are authorized to deal in securities issued by Municipal bodies under the authority of the Legislature. In 1879 there was added to the sub-section authorizing the Bank to deal in Municipal securities the permission to deal in any securities that might be issued by the Commissioners for making improvements in any Port or by the Trustees of any Port. We now propose to add securities which may be issued by the Commissioners for the improvement of the City of Bombay. This addition involves no innovation or change of principle in the Act, for, from one point of view, the securities may be regarded as Municipal securities, while, as they are guaranteed by the Government of India, they also stand in the category of securities of Companies and Railways which are guaranteed by the Government of India. I therefore beg leave to introduce a Bill with this object".

The motion was put and agreed to.

The Hon'ble MR. DAWKINS introduced the Bill.

The Hon'ble MR. DAWKINS moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India and in the Fort St. George Gazette, the Bombay Government Gazette and the Calcutta Gazette in English.

The motion was put and agreed to.

CENTRAL PROVINCES TENANCY (AMENDMENT) BILL.

The Hon'ble MR. RIVAZ moved for leave to introduce a Bill to amend the Central Provinces Tenancy Act, 1898. He said :—"The object of this Bill is to correct a mistake of drafting in the Central Provinces Tenancy Act which was passed last October. Section 45 of that Act has imposed considerable restrictions on transfers of proprietary rights in sir lands, but it was not intended to give retrospective effect to these provisions in respect of past *bond fide* transactions, and a saving clause to this purport was inserted. A representation has, however, been received from the Central Provinces, and has been accepted as correct, that this clause, as at present worded, does not completely fulfil its purpose. It is proposed therefore to re-enact the provision in question in clearer terms".

The Hon'ble MR. CHITNAVIS said:—"I cannot but express my gratitude on behalf of the people for the sense of justice which has impelled Government to introduce the amendment now proposed to be moved. I am partly responsible for the mistake that has crept in. When I supported the amendment moved by Mr. Fuller last year, I thought that the amendment was reasonably conceived in the interests of debtors and that the wording would not take away the force of the promise so generously and justly made by Sir John Woodburn in Council to the effect that retrospective effect would not be given to the provisions of the Tenancy Bill then under discussion. I was, however, subsequently informed by my lawyer friends that the amendment moved by Mr. Fuller would have the effect of annulling the promise made, and it was pointed out to me that it would prejudicially affect 90 per cent. of the old documents and the sufferers would in the main be persons who were ignorant of law and who must have had advanced money in good faith probably in many instances to relieve, in times of famine, families of agriculturists in distress. The matter was thus represented to the Chief Commissioner, who was good enough to move the Legislature to introduce an amendment as now proposed, especially with a view to respect the promise made on behalf of Government and to avoid a sense of insecurity among the people, giving them clearly to understand that anything done on the faith of the old law would not be lightly interfered with. It is well known what great help agriculturists received from their brethren during the last famine under this sense of security and this amendment, which is sure to strengthen the belief that Government is prepared to support all advances legitimately and reasonably made, will go a long way towards enabling people to come forward and help people in future on similar occasions of famine and distress which, in case this present state of weather continues, unfortunately for my Province, seem to be near at hand".

The motion was put and agreed to.

The Hon'ble MR. RIVAZ introduced the Bill.

The Hon'ble MR. RIVAZ moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English and in the Central Provinces Gazette in English and in such other languages as the Local Administration thinks fit.

The motion was put and agreed to.

INDIAN COINAGE AND PAPER CURRENCY BILL.

The Hon'ble MR. DAWKINS said:—"My Lord, I beg to ask permission to postpone the motion for leave to introduce a Bill further to amend the Indian Coinage Act, 1870, and the Indian Paper Currency Act, 1882. The Bill is intended, I may say very shortly, to give effect to the recommendations contained in the report of the Indian Currency Committee, which have been endorsed by the Secretary of State and are generally accepted by the Government of India. Those recommendations include making the sovereign legal tender in India at the rate of Rs. 15 to one sovereign, and will provide for the coinage of gold in India. Any further observations and explanations in connection with this Bill, I think, may be, with propriety, postponed until the Bill itself is circulated and is in the hands of Hon'ble Members. It is with regard to the provision for coining gold in India that delay has now arisen, owing to purely technical considerations. Before the sovereign can be coined in India it is necessary that a Proclamation should be issued under the English Coinage Act of 1870 constituting an Indian Mint a branch of the Royal Mint for the purpose of coining sovereigns, as has been done in the case of the Australian Mints. We have been advised by the Secretary of State that the terms of the Proclamation are being settled in London, and, indeed, we were led to expect that we might have received the draft Proclamation by telegram before this date. In this, however, we have been disappointed, and we do not think it expedient to proceed without the Proclamation by now introducing legislation, because, although we know

- what the main lines of the Proclamation are, yet, until we actually see the draft, we might, if we legislate without the actual Proclamation before us, fall into some discrepancy with its language, which would involve fresh and ulterior amendments. Therefore, on account of this purely technical reason, which does not in any way modify the decision of the Government of India to give the most expeditious effect possible to the recommendations of the Currency Committee, I ask permission to postpone the motion for leave to introduce the Bill”.

Leave was granted.

The Council adjourned to Friday, the 1st September, 1899.

SIMLA;

The 25th August, 1899.)

J. M. MACPHERSON,

Secretary to the Government of India,

Legislative Department.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 9, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892
(24 & 25 VICT., C. 67, AND 35 & 36 VICT., C. 14.)

The Council met at the Viceregal Lodge, Simla, on Friday, the 8th September, 1899.

PRESENT:

His Exoellency Baron Curzon of Kedleston, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.
His Honour Sir W. Mackworth Young, K.C.S.I., Lieutenant-Governor of the Punjab.
His Excellency General Sir W. S. A. Lockhart, G.C.B., K.C.S.I., Commander-in-Chief in India.
The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.
The Hon'ble Mr. C. M. Rivaz, C.S.I.
The Hon'ble Mr. C. E. Dawkins.
The Hon'ble Mr. T. Raleigh.
The Hon'ble Lieutenant-Colonel R. Gardiner, R.E.
The Hon'ble Rai Bahadur Pandit Suraj Kaul, C.I.E.
The Hon'ble Mr. Gangadhar Rao Madhav Chitnavis, C.I.E.
The Hon'ble Rai Bahadur Protul Chandar Chatterjee.

TELEGRAPHIC PRESS MESSAGES BILL.

The Hon'ble MR. RIVAZ asked for leave to postpone the presentation of the Report of the Select Committee on the Bill to provide for the protection

of certain telegraphic press messages. He said :—" I beg leave of Your Excellency to make a short statement on behalf of the Select Committee which was appointed to consider this Bill. We wish to express our entire approval of the general principle of the Bill in question, and we have noticed that since its introduction the Special Committee of the House of Lords which has been dealing with the English Copyright Bill has proposed a protection of eighteen hours for newspaper intelligence received from foreign countries. At the same time, we have seen that our Bill has evoked a considerable amount of comment, and, in some cases, adverse criticism in the English and Vernacular Press of this country and in other quarters. We think that, in these circumstances, it is desirable to defer further consideration of the details of the Bill until Your Excellency's Council meets in Calcutta, and I beg, therefore, to ask for leave to postpone the presentation of the Report of our Committee."

His Excellency THE PRESIDENT said :—" I will only add, with reference to what my Hon'ble friend, Mr. Rivaz, has just said, that I entirely agree with him in thinking that, for the reasons which he has explained, this Bill falls into the category of those which would be more properly discussed when we are in session in Calcutta than when we are in Simla."

Leave was granted.

CENTRAL PROVINCES TENANCY (AMENDMENT) BILL.

The Hon'ble MR. RIVAZ moved that the Bill to amend the Central Provinces Tenancy Act, 1898, be taken into consideration. He said :—" I obtained leave, at the last meeting of the Council, to postpone the consideration of this Bill, because the Hon'ble Mr. Chitnavis had received certain criticisms on the wording of the clause in question, which he requested might be taken into consideration. These criticisms have been duly considered by the Hon'ble Legal Member and myself, and we think that the Bill as introduced needs no alteration."

The motion was put and agreed to.

The Hon'ble MR. RIVAZ moved that the Bill be passed.

The motion was put and agreed to.

INDIAN COINAGE AND PAPER CURRENCY BILL.

The Hon'ble MR. DAWKINS moved for leave to introduce a Bill further to amend the Indian Coinage Act, 1870, and the Indian Paper Currency Act, 1882. He said :—" On the 25th of August I asked permission to postpone the motion for leave to introduce a Bill further to amend the Indian Coinage Act, 1870, and the Indian Paper Currency Act, 1882. The object was to await the terms of a Proclamation, necessary under the English Coinage Act of 1870, for constituting an Indian Mint a branch of the Royal Mint. We had previously been led, as I then stated, to expect that this Proclamation would be communicated to us very shortly. But we have now been advised that there may be some further delay over the Proclamation owing to legal and technical questions.

" We have, therefore, had to decide whether we would proceed at once with legislation to make the sovereign legal tender in India, or whether we should delay still longer, pending receipt of the Proclamation. There are certain obvious objections to splitting our currency legislation into two; but they are not very serious. The measure of transcendent importance before us is to place the currency of India on a gold basis, and to endow India with a gold currency and a stable exchange. To provide for the actual striking of gold coins at an Indian Mint is really a corollary, and no practical inconvenience will arise from a short delay. * We could not proceed to strike coins until we receive the necessary machinery that has been ordered from England, and, meanwhile, we shall continue to receive gold bullion at our Mints under the executive notification in force.

" The question of delaying legislation to make gold legal tender, and thereby to place our currency on an effective gold basis, is very different.

" Into the arguments for a gold standard and a gold currency, I think no one will expect me to enter. *Res judicata est*. The arguments for and against have been exhausted, and Government is proceeding in the conviction that no

other measure would save India from disastrous embarrassment and repeated additions to the burden of taxation, and that no other measure is equally calculated to assist in the development of Indian resources and gradually to benefit the patient industry of the Indian people.

"There is one minor but important point, however, which, I think, I ought not to pass by.

"I am aware that the opinion has been expressed in certain quarters that it would be prudent to pause awhile before carrying our policy to a conclusion, before making the sovereign legal tender in India. It is urged that, when gold is legal tender, sovereigns will pass into circulation, that certain of them will disappear into hoards; that, therefore, the process of accumulating gold in the Government Reserve will be to some extent impeded, and that Government will less expeditiously accumulate a reserve from which to make gold available for foreign remittances when, and if, exchange tends to decline. It is, indeed, this apprehension that gold will not be sufficiently available for foreign remittance that chiefly inspires the plea for delay.

"We have given full weight to this consideration, but we cannot think that it would justify us in incurring delay and in engendering the suspicion that the Government of India has misgivings and hesitates to give immediate effect to a measure recommended by the Currency Committee, endorsed by Her Majesty's Government, adopted by the Secretary of State, and accepted by the Government of India as the crown and completion, indeed, of its own policy, deliberately pursued now for six years.

"No doubt, sovereigns will pass into circulation. This is not to be deprecated, though, in view of the nature of transactions in India, we believe that gold coins will never penetrate far into the country or constitute more than a marginal currency. Probably, some sovereigns will pass into hoards; but the number that will disappear is not likely to be appreciable. Gold may also be retained by the Banks to some extent, and for that reason also not reach the Government. But gold, so retained, will be available for foreign remittance and will *pro tanto* diminish resort for that purpose to Government. And, whenever exchange rises above one shilling and four pence, which it may be expected to do every busy season, sovereigns will be presented to Government by their holders for the profit to be made on them. There is indeed every expectation that they will be largely brought to us, even when exchange does not rise above one and four pence, because, for some time to come, at any rate, gold will be principally used to obtain that money in which the mass of Indian transactions must be discharged and with which the people are familiar. Moreover, as regards the future of exchange, the rise to above one and four pence is not likely to be confined to the busy season.

"Looking to the increasing contraction of the rupee currency under a system of Mints closed to silver, to the growing output of gold in the world, to the apparent decrease in the purchasing power of gold, and the consequent rise in the gold value of the rupee, I do not think that it is rash to look forward to the rupee gradually becoming fixed at the high, not the low, level of exchange rendered possible under the new conditions.

"I contend, therefore, that there is no valid reason for deferring legislation for some indefinite period, because the gold that now flows into our treasuries may be, to some extent, arrested in, or deflected from, its channel. It is time to terminate the unrest and uncertainty which has hung over India in a heavy cloud for nearly a quarter of a century. It is time to terminate it finally, and to lay down a policy which will be distinguished by finality. We must show that we are confident in our policy, or else how can we expect confidence in others? We believe that the success of that policy will be assured by the ordinary operations of trade. If there should be any temporary check in its success, which we do not anticipate, we have been assured by the Secretary of State that it will be supported by all the means in the power of Government. But no check, I repeat, is anticipated. The policy to which we now propose to give effect is not only the most simple and economical but the most certain that can be devised.

"I might conclude these remarks here, but, perhaps, it may not be amiss to dwell on some of the principal features of the new system we are now creating. Gold at the ratio of Rupees 15 for one sovereign will be legal tender, that is to say, gold coins of full weight coined at the English or Australian Mints, to which we propose before long to add gold coins struck at an Indian Mint.

"Anybody will have the right to discharge obligations of all kinds in gold, and the Government will continue to give rupees in exchange for gold under executive notification.

"We accept no obligation to give gold for rupees which would entail, if we accepted it, the acquisition by borrowing of an immense and indefinite sum. But Government will keep before its eyes the attainment of practical convertibility at the earliest possible moment, of practical as against legal convertibility such as exists in France. Gold, as every traveller knows, circulates under this system readily in France and can be obtained for ordinary purposes without difficulty. Indeed, it requires an effort of the imagination to realize that from the beginning of the century down to 1850 there was no gold in general circulation in France, and that the full and ample convertibility now existing in that country has been of gradual growth.

"Silver will be left as unlimited legal tender by the side of gold. It would be unnecessary, and it would be misunderstood by the masses of the population, if we placed a legal tender limit on these coins in which the great proportion of transactions are carried on. And we have no desire to do anything hostile to silver. Essential as it was to close the Mints to the free coinage of silver, yet that measure necessarily exerted a depressing effect upon silver, and we would avoid any semblance of hostility to that metal in which the Indian people so largely invest their savings.

"Except, therefore, for fractional purposes, and for replacing coins no longer current, and possibly also for replacing coins of Native States, if they so desire, silver will cease to be coined until such time in the future as it may be necessary to augment the rupee currency by coining.

"In the meantime the rupee currency will expand automatically in response to the demands of trade, as anybody wishing for rupees can obtain them from Government by the tender of a sovereign. In this way, gold will impart an element of elasticity to the total currency, and whatever stringency of loanable capital may arise in the future, no stringency of currency can occur."

His Excellency THE PRESIDENT said:—"The situation in which we are placed to-day, and the circumstances in which the Finance Member has just spoken in introducing this Bill, are not without an element of surprise. If any one had prophesied two years ago, or even one year ago, that, in response to the unanimous finding of a composite but singularly competent body of experts at home, in accordance with the recommendations of the Secretary of State, and, so far as I can judge, with the almost unbroken concurrence of public opinion, both in India and England, the Government of India would to-day be introducing a Bill to establish a gold standard with a gold currency in this country, he would have been laughed at as a dreamer of dreams. The bimetallists would have scouted him as a bigoted doctrinaire, and the champions of free silver would, possibly, have denounced him as a traitor. Even when the Committee was launched and was already fairly under way, I venture to think that the likelihood of a unanimous report exceeded the expectations even of the most sanguine. Indeed, I remember the charge being brought against the Committee that so evenly had the rival interests been balanced, and of such a motley of opinions was it composed, that its deliberations could have no other result than to add to the already existing confusion, and once again to throw the future of Indian currency into the crucible. We have been saved from any such catastrophe by the sagacity and common sense which characterized the proceedings of the Committee, by the ability with which its counsels were guided by its Chairman; but most of all, I think, by the convincing and overwhelming strength of the case for a gold standard which was submitted to its consideration. Hence it is that we have arrived at the remarkable result of a consensus of opinion upon a matter hitherto so fiercely disputed, and that we are engaged this morning in giving to it legislative effect.

" I should like to point out that, in taking this final step, the Government of India are acting in logical accord with a policy which they have pursued ever since, more than twenty years ago, the fall in the gold value of silver first became acute. Throughout this period the underlying principle of their action has been the defence of India from the inevitable consequences of an unarrested decline in the sterling value of the rupee, namely, the necessity of imposing fresh taxation upon the Indian people; at the same time that the capital, upon whose introduction and proper application their future prosperity so largely depended, was being driven away by the insecurity arising from a constantly fluctuating exchange.

" The continuity of policy of which I speak has not been impaired by the fact that other remedies than that finally adopted have before now been sought; or that even when the desirability of a gold standard became generally recognized, proposals were put forward for attaining it which have since been abandoned. For instance, as long as there was hope of an international bimetallic agreement, the Government of India looked favourably to such a solution. But when the Brussels Conference broke down, and it became obvious that we could not count upon co-operation with others, but must depend upon ourselves, the gold standard then rose into prominence. Since then it has been a question, not of principle, but of method. The Government of India have never lost sight of the ultimate goal which they had in view. With that object they closed the Mints to the free coinage of silver; with that object they made definite proposals to the Secretary of State; and with that object they now accept the recommendations of the Committee and are introducing this Bill.

" We do not tie our hands by taking this step. For whilst the adoption of a gold standard renders us independent of the caprice or hostility of foreign countries for the time being, it will not prevent us, at any date in the future, from embarking upon a discussion with foreign Powers as to an international agreement, should such an idea be again put forward; but will, on the contrary, enable us to enter the field upon equal terms, if, indeed, we may not claim a positive advantage in the possession of a stable system.

" My Hon'ble Colleague has explained in his speech the reasons for immediate legislation. They rest in the main upon the desirability of acquainting the public at the earliest moment with our resolve, and of inspiring them with the confidence which we are not conscious of rashness in admitting ourselves. We are not very much afraid of the danger with which we have been threatened, namely, that we may lose some of the gold which is on its way to our reserves. If this risk were a serious one, I would ask how it comes about that since the report of the Committee, since its acceptance by the Home Government, and its recommendation to us—when all the world, so to speak, has been anticipating the action that we are now about to take, gold has, nevertheless, continued to flow into our treasuries—not in diminishing, but in increasing volume. In June we only received £77,000, and in July £23,000. But in August, after all these events had taken place, the inflow rose to £223,000; whilst for the week that ended on Monday last the additional amount of gold received in our treasuries and Mints amounted to £18,060. This does not look as though we were frightening away gold, or driving it into channels from which it would be incapable of recovery. Since sovereigns began to enter India last year, the amount of gold retained in our treasuries amounts to £2,620,000; and in future, as the announcements that have been made will show, we look to receiving and coining gold of Indian production, in addition to that which enters the country in the ordinary operations of trade from the outside.

" I do not wish to dilate upon what to some may appear the sentimental advantage of a single gold coin, uniform and incapable of depreciation, circulating throughout the British Empire, although to me it seems that that fact has a very practical and an Imperial application. But I will put it in another way, and will say that, in the unimpeded and steady flow of the sovereign in circulation in and out of India, appears to me to exist a very potent guarantee for the extension of our mercantile relations both with the United Kingdom and with other parts of the British Empire. Every merchant who trades with

India, every capitalist who invests in this country, will know in future that his sovereign is worth 15 rupees. The lender and the borrower will be dealing in the same money, with a fixed and unalterable denomination. For my part I cannot doubt that such a security must lend stability and confidence, not merely to our trade with foreign countries—and the London Committee has reminded us that four-fifths of our foreign trade is with countries possessing a gold standard also—but also to commercial and industrial development within our own shores. I do not desire to indulge in any chimerical dreams of the future; I do not expect any sudden or frantic rush of capital to India; I do not pretend that we are opening an Asiatic Klondyke to the investing world; least of all, am I anxious to import the speculative element into Indian business or finance; but I do firmly believe and hope that, subject to chances which none can foresee, but against which we are already on the watch, we shall, by taking these measures, invest the financial horoscope of India with a security which it has hitherto lacked, and which it will be our duty to utilize in the interests of our own clients, who are the Indian people.”

The motion was put and agreed to.

The Hon'ble MR. DAWKINS introduced the Bill.

The Hon'ble MR. DAWKINS moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India and in the local official Gazettes in English.

The motion was put and agreed to.

The Council adjourned to Friday, the 15th September, 1899.

J. M. MACPHERSON,

Secretary to the Government of India,

Legislative Department.

SANLA;

The 8th September, 1899.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 16, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED
FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE
PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892
(24 & 25 VICT., C. 67, AND 55 & 56 VICT., C. 14.)

The Council met at the Viceregal Lodge, Simla, on Friday, the 15th September, 1899.

PRESENT:

His Excellency Baron Curzon of Kedleston, P.C., G.M.S.I., G.M.I.E., Viceroy
and Governor General of India, *presiding*.
His Honour Sir W. Mackworth Young, K.C.S.I., Lieutenant-Governor of the
Punjab.
His Excellency General Sir W. S. A. Lockhart, G.C.B., K.C.S.I., Commander-
in-Chief in India.
The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.
The Hon'ble Mr. C. M. Rivaz, C.S.I.
The Hon'ble Mr. C. E. Dawkins.
The Hon'ble Mr. T. Raleigh.
The Hon'ble Lieutenant-Colonel R. Gardiner, R.E.
The Hon'ble Rai Bahadur Pandit Suraj Kaul, C.I.E.
The Hon'ble Mr. Gangadhar Rao Madhav Chitnavis, C.I.E.
The Hon'ble Rai Bahadur Protul Chandar Chatterjee.

CHURCH OF SCOTLAND KIRK SESSIONS BILL.

The Hon'ble MR. RALEIGH said:—"My Lord, the Bill to incorporate the Kirk Sessions of the Church of Scotland in this country has been unanimously accepted by the Local Governments, but the Government of Bombay

has suggested a point in regard to the evidence of the Act of the General Assembly in Scotland by which the Kirk Session is constituted, which appears to us to be worthy of consideration. The letter of the Bombay Government only reached me last night, and, with Your Excellency's permission, I ask leave to postpone the motion that stands in my name."

His Excellency THE PRESIDENT said:—"I do not think that any objection will be entertained in any quarter to the proposal of the Hon'ble Mr. Raleigh."

Leave was granted.

INDIAN COINAGE AND PAPER CURRENCY BILL.

The Hon'ble MR. DAWKINS moved that the Bill further to amend the Indian Coinage Act, 1870, and the Indian Paper Currency Act, 1882, be taken into consideration.

The motion was put and agreed to.

The Hon'ble MR. DAWKINS moved that the Bill be passed.

The motion was put and agreed to.

The Council adjourned to Wednesday, the 27th September, 1899.

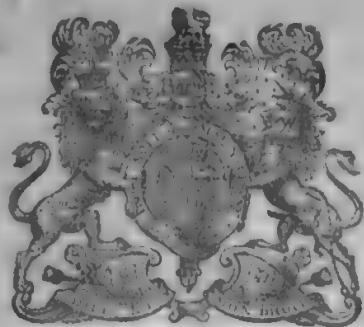
J. M. MACPHERSON,

SIMLA;

The 15th September, 1899. }

Secretary to the Government of India,

Legislative Department.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 14, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED
FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE
PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892
(24 & 25 VICT., C. 67, AND 55 & 56 VICT., C. 14.)

The Council met at the Viceregal Lodge, Simla, on Friday, the 13th October,
1899.

PRESENT:

His Excellency Baron Curzon of Kedleston, P.C., G.M.S.I., G.M.I.E., Viceroy
and Governor General of India, *presiding*.
The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.
The Hon'ble Mr. C. M. Rivaz, C.S.I.
The Hon'ble Mr. C. E. Dawkins.
The Hon'ble Mr. T. Raleigh.
The Hon'ble Lieutenant-Colonel R. Gardiner, R.E.
The Hon'ble Rai Bahadur Pandit Suraj Kaul, C.I.E.
The Hon'ble Mr. Gangadhar Rao Madhav Chitnavis, C.I.E.
The Hon'ble Rai Bahadur Protul Chandar Chatterjee.

CENTRAL PROVINCES COURT OF WARDS BILL.

The Hon'ble MR. RIVAZ moved that the Report of the Select Committee on the Bill to consolidate and amend the law relating to the Court of Wards in the Central Provinces be taken into consideration. He said:—"The alterations which the Committee propose are fully explained in our Report, and I do not think that I need add any remarks. None of our proposals affect the main principles of the Bill."

The Hon'ble MR. CHITNAVIS said :—" My Lord, instead of recording a silent vote in support of the Bill, I wish to bear testimony to the good work done by the Court of Wards in the Central Provinces. Last year this Council had to consider the question of indebtedness among agriculturists in my Province, and the law of landlord and tenant was amended in several particulars with the object of restricting the right of transfer. It remains to be seen how far this recent legislation as regards landlord and tenant will cure the evils which admittedly exist—speaking of my own Province—where the Malguzar system prevails largely. Past experience, however, shows that the only way to save an encumbered estate is to take it under the protection of the Court of Wards. Many an old family of Malguzars and Zamindars has to thank Government or the Court of Wards for being saved from complete ruin. In several instances, the tact and conscientious efforts of the local officers charged with the management of the Court of Wards saved some of the largest estates from an expensive litigation. The Bill as now amended in the Select Committee leaves very little to which objection could reasonably be taken, and as I believe that this Bill will facilitate and further the work of the Court of Wards in the Province, I have great pleasure in supporting it."

The motion was put and agreed to.

The Hon'ble MR. RIVAZ moved that the Bill as amended be passed.

The motion was put and agreed to.

PUNJAB COURTS BILL.

The Hon'ble MR. RIVAZ moved that the Report of the Select Committee on the Bill further to amend the Punjab Courts Act, 1884, be taken into consideration. He said :—" When presenting the Report of the Committee at the last meeting of the Council, I explained the amendments which were proposed by the Committee, and I have nothing further to say now."

The Hon'ble MR. CHATTERJEE said :—" MY LORD, the speech of the Hon'ble Member in charge of the Bill, when presenting the report of the Select Committee, contained a clear exposition of its provisions as finally amended by us. I wish only to offer a few personal observations on the Bill.

" That some amendment of the law of appeal in the Punjab is necessary is practically conceded on all sides. The difference of opinion lies in the form the amendment should take.

" I might here state that I wished to bring forward a proposal, foreshadowed in my note to the Punjab Government, to the effect that the law of further appeal should be retained, if necessary with certain limitations, for land suits alone and the law of second appeal of the Code of Civil Procedure introduced for all other suits. It had the support of one of my learned colleagues, Mr. Justice Robertson, and was based on the consideration that the latter classes of suits did not materially differ from similar suits in other parts of India and that it appeared *prima facie* reasonable that litigants interested in them should be treated on the same footing in all parts of India. But it was pointed out that such a proposal involved two great a departure from the scheme of the Bill which had been drawn up in accordance with the recommendations of the Government of the Punjab after consultation with the Chief Court and approved by the Government of India and sanctioned by the Secretary of State for India to be entertained at that stage. It was also mentioned that it was in contemplation to revise and amend the Code of Civil Procedure, the appeal sections of which would be among the first to be taken in hand and that by the time this was done the effects of the working of the present Bill would be known and any defects thus disclosed could be easily remedied in the light of actual experience. For these reasons I have foreborne to press my proposal.

" The introduction of the second appeal of the Code in complete substitution of the law of further appeal in the Punjab appears to be open to objection so far as the land suits are concerned and they form more than three-fourths of the further appeals. This is partially admitted in the memorial of the members of the Chief Court Bar Association, who are competent judges on the subject.

"A historical retrospect of the law of appeal in the Punjab shows that further appeals are a very old institution in the Province. Before the passing of the last Punjab Courts Act, XVII of 1877, not only the highest Court but Commissioners, who represented the present Divisional and Sessions Judges, used to hear them, whether the decisions of the Court below were concurrent or conflicting. By that Act, the right of appeal was somewhat curtailed and further appeals were confined to cases of conflicting judgments only. By section 39 of the Act, the law of the Code of Civil Procedure regarding Second Appeals was introduced into the Punjab, but section 584 was modified by adding a clause which allowed a second appeal 'on the ground of the existence, or non-existence, validity or invalidity of a custom alleged to have the force of law'. This law of second appeal remained in force for seven years until the present Punjab Courts Act was passed in 1884, by which the old further appeal was revived in a modified form in certain classes of cases in which a point of law or custom was involved.

"On abstract grounds there is a great deal to be said in favour of the Court of Appeal being empowered to deal with cases as a whole, namely, to correct errors of fact, as well as of law. But as to decide on facts ordinarily takes up much more time than to decide merely on questions of law, it has been found necessary to curtail the right of appeal to the second Appellate Court, which, both under the Code and the Punjab Courts Act, is the highest Court in each Province. For this purpose the Code restricts the second appeal to particular points, namely, questions of law, custom, or irregularity of procedure, while the Punjab Courts Act seeks to attain the same object by an artificial classification of suits and by taking away the right of such appeal in suits under the value of Rs. 1,000 except under certain circumstances.

"I think the peculiarities of the appeal law of the Punjab is largely due to the nature of the substantive law of the Province. That law is, to a great extent, Customary law, which is in a fluid state and the main features of which have been accurately ascertained only in recent years. This law mainly furnishes the rule of decision in land suits in which the peasantry of the Province are most interested. As already stated more than three-fourths of the further appeals to the Chief Court relate to this important class. Until the Customary law is codified—a point on the advisability of which at present I express no opinion—or is superseded by Hindu or Mohamedan Law, which is an improbable contingency, a power of going into the merits of the custom set up must be retained by the Chief Court. The Civil Courts of the Province are among the latest established by the British Government and those of the lower grades are admittedly weak. The Subordinate Courts under present circumstances can hardly be allowed to come to a final and conclusive finding on a point of custom so as to lay down the law for the Province. It was on considerations like these that the amendment of section 584 of the Code of Civil Procedure, already mentioned, was made when Act No. XVII of 1877 was passed; and a similar provision will have to be re-enacted if the second appeal of the Code of Civil Procedure as it stands at present, is ever re-introduced into the Punjab.

"The Bill as finally modified in the Select Committee will doubtless considerably reduce the number of further appeals to the Chief Court, probably by about one-half. But the extension given to the power of revision by clause (b) of section 70 will enable the Chief Court to give relief in all land suits, and small causes, and unclassified suits above certain values where the decision is wrong upon an important point of law or custom. Doubtless, this is a new departure in the direction of revision and the new provision will have to be carefully and cautiously though fairly applied. The element of uncertainty as to what will be considered an important point of law or custom cannot be wholly excluded, but on the whole it would seem that the present amendments will practically allow, within certain limits, the benefits of a second appeal like that of the Code of Civil Procedure, where the right of further appeal has been taken away. The admission of an application for revision under clause (b) of section 70 will indeed be a matter entirely within the discretion of the Judge, but once admitted it will be dealt with like a second appeal with the additional advantage that the Court will be competent to go into the question of the existence or non-existence of the

custom set up. In other words, the Court will act as if the clause added to section 584 of the Code of Civil Procedure by section 39 of the old Punjab Courts Act was restored. Thus, we should not be wrong in saying that by the present Bill some advance has been made in the direction of assimilation of the law of appeal in the Punjab with that of the rest of India.

"In regard to the other points of the Bill which call for remark I have nothing to add to the observations of the Hon'ble Mr. Rivaz. But I may be permitted to urge before Your Excellency and this Hon'ble Council the expediency and necessity of an early revision of the Code of Civil Procedure. It is defective in important particulars. A few of these defects were pointed out in the Select Committee which has framed provisions for remedying two of them. It is also in some respects too technical, probably more so than the procedure law of England, and is so far unsuitable for a country like India and particularly the Punjab where the bulk of litigants are ignorant peasants, a great majority of whom act without legal advice. It was proposed sometime ago to provide a special procedure for suits against agriculturists, but if the Code is properly revised, there will be no necessity for such a measure. When such revision takes place, any defects of the present Bill, disclosed by the actual working of its provisions, may be remedied by further assimilating the law of appeal of the Punjab to that of the Code, if that is considered the best course."

The Hon'ble PANDIT SURAJ KAUL said:—"My Lord, the Bill, now before Your Excellency's Council, has been well discussed and thoroughly considered by the Select Committee to which it was entrusted. The amendments that have been made in the Bill will, it is hoped, prove useful and valuable in their application. Some people contend that this Bill, when passed into law, will curtail to a large extent the present liberty of appeal to the Chief Court, and thus debar litigants from enjoying the privilege, they have hitherto had, of getting the highest justice within their reach. It is true that this will happen, and a certain class of litigants, who have, from the early days of the British rule in the Punjab, been accustomed to go to higher and higher courts on appeal till their cases are heard by the last court of appeal in the Province, will be greatly dissatisfied with this measure. Even as it is, the losing parties often complain that there is no higher court of justice after the Chief Court in the Punjab. But it must be admitted that the Chief Court, even with its present strength, cannot cope with the work that comes to it under the existing system; and so cases have to lie undecided finally for years. In this way also the parties to a case suffer considerably. Before the British rule in the Punjab legal cases were generally decided either by the Panchayat system or by a Judge of the Court appointed for the administration of justice; and the decision thus given used to be taken as final. There used to be no courts of appeal in those days, and the people were quite used to the then existing system of law and were satisfied with it. This Bill, as it now stands before us, when passed into law, will not only effectively reduce the number of appeals in the Chief Court by discouraging unreasonable litigation, but will, I think, be also beneficial in saving people from the heavy expenses of court-fees and lawyers' charges. It sometimes happens that before a case is finally decided by the Chief Court, the decree-holder has spent more than the sum for which a decree is given in his favour; so that he has but the name of the decree to carry with him. Nevertheless, the Select Committee has amended the new section 70 so as to give the Chief Court power to call for records of cases not appealable to it, and to treat the matter of any application which may be admitted on the ground that important questions of law or custom are involved as if it were an appeal. This amendment, it is hoped, will remove, to a certain extent, the general complaint against the Bill.

"Another question which the public raise is whether the efficiency of the present Judicial Officers of subordinate courts in the Punjab—young and immature in experience as most of them are—is such that the people can safely depend upon, and be satisfied with, their judgments—which, in most cases, will be final. This is, no doubt, an important point, and it will, I think, be necessary to improve the subordinate courts, but it is a matter more for the Local Government to consider and remedy than for the Legislature to meddle with. The Local Government can best judge of the capabilities of the Judicial Officers of its Province,

and can, at the time of vesting them with judicial powers, bear this point in mind.

"Besides the amendments made by the Select Committee, my Hon'ble friend Mr. Justice Chatterjee and I were of opinion that in land suits the Chief Court should be empowered to admit applications when the value of the suit is not less than *one* hundred rupees. In the Punjab, in such suits, even though they may be of small value, the interest to the parties concerned is very great. In cases of moveable property the decision of the Court affects only the parties directly interested, while in cases of land suits the result is regarded as affecting also the coming generations of the parties concerned. The force of this argument is very much increased if we bear in mind the fact that the Punjab is a province of chiefly small peasant proprietors. As, however, the limit of Rs. 250 was, no doubt, fixed after careful consideration, I do not think it necessary to contend this point any further. I hope that in a couple of years' time or so, the Chief Court and the Punjab Government will be able to realize whether the Bill, in its entirety, has proved a useful piece of legislation, or whether some of its provisions call for re-consideration by Your Excellency's Council.

"With these few words, my Lord, I beg to support the motion that the Report of the Select Committee be taken into consideration."

The motion was put and agreed to.

The Hon'ble MR. RIVAZ moved that the Bill as amended be passed.

The motion was put and agreed to.

ASSAM LABOUR AND EMIGRATION BILL.

The Hon'ble MR. RIVAZ moved for leave to introduce a Bill to consolidate and amend the law relating to Emigration to the labour-districts of Assam. He said:—"The law on this subject is contained in Act I of 1882 as amended by Act VII of 1893, and in the Bengal Sanitary Act I of 1889. I may explain at the outset that it is not proposed in the Bill to alter or even to touch, except in the one matter of the minimum statutory wage, which we propose to raise, the labour system constituted by the present Act. This labour system rests on the basis of a penal contract enforceable through the Criminal Courts, and although it is recognized to be exceptional and transitory, and although the Government of India are pledged to revise or put an end to it when the conditions of Assam are assimilated to those of neighbouring provinces, the time has not come to undertake this. The railways now in course of construction should, we hope, very materially modify the conditions under which labour at present finds its way to the tea gardens. The labourer will be brought nearer his home, will be more disposed to spontaneously proceed to Assam in search of work, and will be better able to return home if the work or pay fails to suit him. We shall be then under less obligation to assist the planter to retain the labour which at present costs him much to import, and under less obligation to provide by rules for the well-being of the labourer. Meanwhile we have abundant testimony that the labour conditions of the present Act are working satisfactorily in Assam. We consider that the minimum wages prescribed by the Act are now too low, regard being had to the rise in prices and to the higher rates which labour commands outside Assam. But, with this exception, we are satisfied that the protection afforded by the Act to the labourer is sufficient, and will, in all probability, prove sufficient during the remaining term of existence of the present system.

"Our proposed amendments of the present Act are, therefore, confined to its recruitment provisions. There is overwhelming evidence that under the guise of 'free emigration' from the districts which supply labour to Assam, an organized system of professional recruiting has sprung up, which is not distinguishable from the professional recruiting recognized and licensed and controlled by the Act, save that it is entirely free from control and that it resorts with impunity to fraud, kidnapping, abduction of women, and other malpractices. The Act provides in a very minute and careful manner for the licensing of contractors and recruiters and the granting of certificates to garden-sardars deputed from the gardens to recruit. It requires that these agents shall bring the labourers they recruit before a Registering-officer in the district of recruitment, that the labour-contracts following

on registration shall be similarly executed, and that the labourers after contract shall be conveyed under proper safeguards and official cognizance to Assam. But having provided this elaborate machinery for the protection of the labourer and for controlling the recruiter in the recruiting districts, the Act was so worded as to authorize any other unlicensed and uncontrolled form of recruiting which the ingenuity of labour-purveyors could devise. The unlicensed recruiter, instead of registering and putting his recruits under labour-contract in Bengal, carried them off under no supervision to Assam, and there placed them under contract.

"This is what is called the 'free emigration' system, and it is this system that has given rise to abuses which have necessitated the amendment of the law now proposed. The genuine 'free' emigrant, who pays his own way to Assam and goes there as a free agent to look for work, is obviously a man to be encouraged. But the genuine 'free' emigrant is very seldom met with, and the bulk of the labourers who proceed to Assam outside the precautions and safeguards of the Act are recruited and conveyed there by unlicensed recruiters and contractors or by garden-sardars, with the express object of being put under penal contract on their arrival in the labour-districts. When the labour-districts are reached, the emigrant is far from his home and amid unfamiliar surroundings, and he has practically no option but to accept the contract which he is called upon to sign. The only powers of control that Government has over 'free' emigrants are those conferred by a Bengal Council Act, I of 1889, which enables the Bengal Government to prescribe routes by which the emigrants are to travel and to lay down rules for the sanitary inspection and supervision over depôts and rest-houses where they may stay on their way to Assam, but that Act is not in force in the Central Provinces or elsewhere outside of Lower Bengal.

"It may be asked why, after having provided an elaborate procedure for recruiting and engaging emigrants under official supervision at or near their homes, and for transmitting them after execution of the contract to the labour-districts, the Act of 1882 allowed or even invited recruitment to be carried on outside these provisions. The answer is that it was hoped that through the stage of assisted emigration the goal of genuinely free emigration would be reached. This hope has not been realized.

"When Sir Philip Hutchins introduced in this Council in January, 1893, the Bill which subsequently became Act VII of that year, he stated that the Bengal Government had brought to notice the prevalence of abuses and malpractices committed by professional recruiters under the "free system"—working without a license and outside of the Act, I of 1882. He drew attention to the unsatisfactory conditions as to sanitation under which the emigrants travelled from their homes to the labour-districts, and he explained that the Government of India proposed to combat these evils by (1) energetic executive action in the recruiting districts; by (2) constant and vigorous precautions along the line of march to Assam; by (3) strengthening the inspection system in the Assam tea gardens and by (4) providing more complete remedies for the cancelment of contracts and repatriation of emigrants whenever they were found to have been taken to Assam wrongfully. Provisions designed to give effect to these measures were accordingly included in the Bill.

"Sir Steuart Bayley, when Lieutenant-Governor of Bengal, had proposed, with a view to checking the abuses complained of before 1893, that all recruiting except by licensed recruiters should be disallowed, that all recruits should be registered and their contracts executed in the districts of recruitment, and that no labourer should be permitted to enter into a penal contract in Assam until he had been proved to have resided two years there. The Government of India thought, at that time, that as few complaints of crime ended in conviction, there could not be any serious amount of crime connected with recruitment in the recruiting districts; that official interference which was not absolutely necessary would make emigration unpopular and be a retrograde step tending to discourage free emigration and retarding the day when all special legislation could be abandoned, and they considered that the amendments of the law embodied in the Bill of 1893, combined with the vigorous enforcement of the ordinary criminal law and of sanitary precautions for the protection of the emigrants *en route*, would enable Local Governments to put down the malpractices then complained of in the recruiting districts.

"While the Bill of 1893 was under consideration, Sir Charles Elliott succeeded Sir Steuart Bayley as Lieutenant-Governor of Bengal.

"He hoped, without having recourse generally to the system of initial registration, recommended by his predecessor (Sir Steuart Bayley), to be able to suppress the malpractices of 'free' recruiters and agents, with the aid of the powers conferred by the Act of 1893, coupled with a revision of the rules under the Bengal Act, I of 1889, and with other executive measures which he proposed to undertake.

"Sir Charles Elliott obtained and reviewed periodical returns showing the number of offences reported in connection with emigration from Bengal, in which complaints by and against emigrants were distinguished. He drew up revised rules under Act I of 1889, under which he proposed to bring professional recruiters under control by licensing them; but these rules were declared by the law officers to be *ultra vires*. He had previously, as Chief Commissioner of Assam, opposed the Bengal Government proposals to put a stop to the so-called 'free emigration' system, but having acquired experience of the working of that system in the recruiting districts, and his rules having been declared to be *ultra vires*, he keenly felt the abuses that had sprung round the system of 'free emigration'. The term 'free emigration' he wrote was used in a non-natural sense; it depended upon a machinery of recruiters, sardars, contractors and local agents, who, however carefully they might be watched, could not be controlled by the executive. He acknowledged that there were innumerable complaints of fraud and violence connected with the system, and, at the request of the Bengal Chamber of Commerce, appointed a Commission to enquire into the whole subject. He trusted that the Commission would be able to arrange for the formation of a Central Recruiting Agency in Calcutta, which would undertake the entire business of supplying labour to Assam, at a reduced cost and without the abuses that attended the existing system.

"The Commission consisted of Mr. Williams, C.S., who had served himself in Assam for many years and afterwards as Collector and Commissioner in the recruiting districts of Bengal; Dr. Comins, formerly Superintendent of Emigration and Protector of Emigrants in Bengal; Messrs. Begg and Gladstone, representatives of the Indian Tea Association, and a native gentleman, Kumar Dakhineswar, Malia. From its constitution it is apparent that the Commission was in no way biassed against the so-called "free" emigration system or in favour of the system of initial registration of emigrants and verification of contracts in the recruiting districts; yet, after visiting the recruiting districts, they unanimously reported that the formation of a Central Agency was impracticable, that malpractices had increased since the passing of the Act of 1893, that without alteration of the law it was impossible for the executive Government to stop them, and that the cost of importing labour to Assam was steadily increasing owing to the abuses arising from the competition of unlicensed professional recruiters. The evidence adduced in the Commission's and local officers' reports in support of the Commission's conclusions on these points appears to the Government of India to be full and conclusive. The Commission made certain recommendations for the adoption of measures to check abuses and the Government of Bengal (Sir Alexander Mackenzie) accepted generally their recommendations and commended them for adoption to the Government of India.

"The Commission's report, with the Bengal Government's comments on it, was circulated for criticism to all the Local Governments and Administrations concerned, with the result that they all agree substantially to the amendments in the law which we now propose.

"These amendments are to the following effect:—

- (1) We empower the Local Government to prohibit all persons from recruiting, or engaging, or assisting any native of India to emigrate from any specified part of its territories to any or all the labour-districts otherwise than in accordance with the provisions of the Act. When such a notification issues it will completely stop the present unlicensed and uncontrolled system of "free" recruiting, by making it punishable as a criminal offence.

- (2) Having brought the present unlicensed contractors and recruiters under license and control, we further require that they shall register the emigrant in the district in which he has been actually recruited and before a responsible officer, and that they shall subsequently enter into the labour-contract with the registered emigrant, if not in the actual district of recruitment, at least at some central place near such district. We do away with the special procedure under which a labour-contract for any district in the Assam Valley can at present be entered into by a so-called "free-emigrant" at Dhubri.
- (3) We provide for an interval of at least three days between registration of intending emigrants and execution of contracts by them.
- (4) We make additional provisions for repatriating labourers found to have been enticed away from their homes by fraud, or to have been forced away by violence, or rejected by the Registering-officer.
- (5) We prohibit the execution of a penal contract by a woman without the consent of her husband or lawful guardian.
- (6) We provide that the medical examination of labourers intending to proceed to the labour-districts on the point of physical fitness to labour, be made compulsory in the recruiting districts in the case of contractors' coolies, and optional in the case of sardars' recruits.
- (7) We provide that when a labourer is convicted of desertion he shall not be liable to be detained or to be returned to the garden he left, for any period beyond the last day of the contract he broke by desertion.
- (8) We raise the minimum contract wage prescribed by the present law from Rs. 5 in the case of a man and Rs. 4 of a woman to Rs. 6 and 5 respectively.
- (9) We make minor alterations as to the amounts of license-fees payable by contractors, sub-contractors and recruiters.
- (10) In addition to these amendments of the Assam Labour and Emigration Act we are separately proposing that the Bengal Act, I of 1889, relative to sanitary control over arrangements for free emigrants *en route* to Assam, be converted into an Act of the Government of India and be made extendible to the Central and North-Western Provinces and any other Province from which labourers may be recruited in future, and that its scope be enlarged so as to give Local Governments power to frame rules to give their officers definite powers of entry and inspection of depôts and rest-houses for other than sanitary purposes.

"There are certain exceptions under amendments (1) and (2) with regard to the licensing of recruiters and the registration of emigrants and execution of contracts by them in the recruiting districts which I shall now specify—

- (a) There is a certain amount of really spontaneous or free emigration to the Surma Valley. This it is not proposed to interfere with under the Bill. The Bill does not empower a Local Government to prohibit persons from going without assistance and of their own accord to any part of Assam. The Bill further leaves it at the discretion of the Local Government to prohibit or not to prohibit 'assisted' emigration outside the Act. It is conceivable, for instance, that 'assisted' emigration to the Surma Valley has not the objectionable features which attend 'assisted' emigration to the Brahmaputra Valley.
- (b) Recruitment carried on by uncertificated garden-sardars has not been abused and it is desirable to encourage it. These sardars are servants deputed by individual planters from their gardens in Assam to the recruiting districts to bring up coolies to the planter's particular garden. It is proposed to subject them to a

certain amount of control, but their coolies need not be brought before a Registering officer to be registered, nor need contracts between the planters and coolies recruited by them be executed in or near the recruiting districts. The concessions made to these uncertificated garden-sardars can be withdrawn at any time if they are abused.

- (c) It is proposed to make similar concessions to approved associations or companies, such as the proposed Central Recruiting Agency, should it ever be formed. There is no immediate prospect, so far as the Government of India are at present aware, of the formation of a central agency which would undertake the whole business of recruiting labour for Assam, because all the planters are not willing to combine and join such an agency, and unless all do agree to join, it would not be right to give any agency a monopoly, thus compelling the dissentients to join it. But even if such an agency were formed, the necessity of the proposed amendments in the law would not be thereby obviated. To give any agency a monopoly in recruiting it is necessary to have the legal power of preventing recruiting by others, which power does not exist under the present law. Should the proposed central agency be formed later on and should it be found desirable to give it a monopoly in recruiting, that object can be effected under the Bill by giving licenses to its recruiters and to no others; while should any number of planters short of the total number combine to form an agency among themselves, their sardars can be given the same concessions as uncertificated garden-sardars under the Bill, leaving the others to make their own arrangements, provided they are consistent with the law.

"It is unnecessary that I should at this stage enter into an elaborate discussion on, or justification of, the various amendments which I have described. It is sufficient for me to say that most of them are on the lines recommended by the Labour Commission, and that they have all been accepted as necessary and adequate to put down abuses in the recruiting districts by all the Local Governments concerned. The Indian Tea Association has also expressed its approval of the principal amendments in the law now proposed.

"I return now to the one matter in respect of which we propose to modify the labour conditions of the present Act. We propose to raise the minimum contract wage from Rs. 5 to 6 a month in the case of a man, and from Rs. 4 to Rs. 5 a month in the case of a woman. As to this proposal I may observe that the Bengal Labour Commission, on which the tea interest was represented by Messrs. Begg and Gladstone, acknowledged, in paragraph 81 of their report, that if Government would insist on the reduction of the cost of importing labour to Assam, which reduction they anticipated would be one of the results of adopting their recommendations, it would be fairly entitled to demand some increase in the pay of the coolies. The proposal to raise the minimum wage has been pressed upon us by the Local Governments of Bengal and the North-Western Provinces and by the Chief Commissioners of the Central Provinces and Assam. The present statutory wage was fixed more than 34 years ago, when the ordinary wages of labour in the recruiting districts were lower and the demand for labourers in Assam less than it is now, and it is clear therefore that a wage which was then sufficient to induce emigrants to proceed voluntarily to Assam is inadequate now. It has been argued in some quarters that inasmuch as the labourers can, by working overtime, earn more than the contract wage, it is unnecessary to raise it; but this argument ignores the fact that labourers could also earn extra wages by working overtime in 1865, when the minimum wage was fixed, as well as now. The amendments relating to the initial registration of intending emigrants and the verification of contracts to the recruiting districts, to the licensing of all professional recruiters, to the medical examination of labourers in the recruiting districts, to the repatriation of labourers and their dependents and to the prohibition of execution of contracts by females without consent of their husbands or guardians, have all been accepted by the Local Governments concerned and are explained in the papers which will be circulated and I need not occupy the time of the Council in considering them now.

"In conclusion I may repeat that it has always been the desire and policy of the Government of India to dispense with all special legislation relating to recruitment of labour for Assam. We still adhere to that policy. We hope that some time after communication to Assam by rail is opened up, by completion of the Assam-Bengal railway, it may be possible to do away altogether with the system of penal contracts, or at least to make substantial changes in the Assam labour system in the direction of abolishing such contracts. For the present it is necessary to maintain the system, and while it is maintained, we trust that the changes in the law now proposed will have the effect of stopping abuses in recruitment while cheapening the cost of importing labour to the tea districts. We have thought it desirable to consolidate as well as to amend the labour law, so as to make it more easily intelligible, and, as I have already mentioned, to make the Bengal Sanitary Act, I of 1889, extendible to other recruiting provinces.

"This Bill and the other Bill just referred to, which I shall presently ask leave to introduce, will now be circulated for criticism, and it is proposed to pass them during the coming session in Calcutta."

The motion was put and agreed to.

The Hon'ble MR. RIVAZ introduced the Bill.

The Hon'ble MR. RIVAZ moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English and in the Fort St. George Gazette, the Calcutta Gazette, the North-Western Provinces and Oudh Government Gazette, the Central Provinces Gazette and the Assam Gazette in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

ASSAM EMIGRANTS' HEALTH BILL.

The Hon'ble MR. RIVAZ moved for leave to introduce a Bill to make better provision for the health, supervision and control of Emigrants proceeding to or from the labour-districts of Assam. He said :—"This Bill is a corollary to the amendments which we propose to make in the recruitment provisions of the Assam Labour and Emigration Act, and, in introducing the Bill for this latter object, I have explained that we propose to supplement its revised provisions by enacting as a general Act the Bengal Inland Emigrants' Health Act. The Local Governments of the several provinces in which recruiting for Assam is carried on will thus have the same means of guarding the health of recruits in transit to Assam as the Bengal Government at present have. It is proved by experience that such powers are required."

The motion was put and agreed to.

The Hon'ble MR. RIVAZ introduced the Bill.

The Hon'ble MR. RIVAZ moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

The Council adjourned to Friday, the 20th October, 1899.

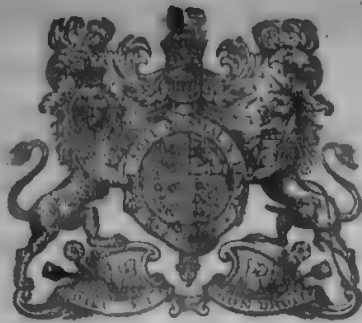
J. M. MACPHERSON,

Secretary to the Government of India,

Legislative Department.

SIMLA;

The 13th October, 1899. }



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 21, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892 (24 & 25 VICT., C. 67, AND 55 & 56 VICT., C. 24.)

The Council met at the Viceregal Lodge, Simla, on Friday, the 20th October, 1899.

PRESENT:

- His Excellency Baron Curzon of Kedleston, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.
- His Excellency General Sir W. S. A. Lockhart, G.C.B., K.C.S.I., Commander-in-Chief in India.
- The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.
- The Hon'ble Mr. C. M. Rivaz, C.S.I.
- The Hon'ble Mr. C. E. Dawkins.
- The Hon'ble Mr. T. Raleigh.
- The Hon'ble Rai Bahadur Pandit Suraj Kaul, C.I.E.

INDIAN TOLLS (ARMY) BILL.

The Hon'ble MR. RIVAZ moved for leave to introduce a Bill to amend the law relating to the exemption from tolls of persons and property belonging to the Army. He said:—"The object of this Bill is to combine in a single Act, of general application, the provisions relating to the exemption from tolls of persons and property belonging to the Army, which are at present scattered over a large number of local enactments in force in different parts of India, and to bring these provisions into harmony with those of the English Army Act. The details of the Bill are fully explained in the Statement of Objects and

Reasons, and the only point which I need notice is that the list of proposed exemptions in clause 3 of the Bill is quite provisional and will receive further careful consideration."

The motion was put and agreed to.

The Hon'ble MR. RIVAZ introduced the Bill.

The Hon'ble MR. RIVAZ moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

AGRICULTURAL PROSPECTS.

The Hon'ble MR. RIVAZ said:—"Before the Government of India leave Simla and re-assemble in Calcutta, the Governor General in Council considers it desirable to place before the public such information as to the probable character and extent of the approaching distress, and as to the measures taken to meet it, as is at present available. A similar forecast was made in October, 1896, when the failure of the South-West Monsoon made scarcity or famine over the greater part of India inevitable. Early in August last the weakness and fitfulness of the monsoon current led the Government of India to request Local Governments to place before them by the end of September full reports on the agricultural situation, and to include in these reports an estimate of the amount of relief which might be required in the event of unfavourable conditions continuing. Similar information was at the same time called for from Political Officers in respect of Native States. These reports have been received and examined in the light of the latest further intelligence as to rainfall, harvest prospects and prices. The reports are exceptionally full and clear, and the Governor General in Council is under obligation to the Local Governments and Political Officers for the care with which they have placed before him the chief features of a serious and critical situation.

"It is difficult at this early stage to institute a close comparison between the circumstances created in 1896 by the failure of the rains and the circumstances now existing. The present situation has this important point in its favour that the great and populous province of Bengal, and fully half, if not three-fourths, of the great and populous province of the North-Western Provinces and Oudh, have good or fair rain crops, and fairly good prospects for the ensuing cold weather, and, save for the pressure of high prices on the labouring and urban classes, are practically outside the region of anxiety. This tract is the most densely inhabited and the most highly cultivated in India, and contains a population, roughly speaking, of 100 million souls. It is a matter of profound satisfaction that in this vast area the present outlook is immeasurably better than was the outlook in October, 1896, and that here at all events the food production of the year will be in excess of the requirements of the population. With Bengal and the Eastern Section of the North-Western Provinces may be ranked Burma, where a bumper rice crop is on the ground; Madras, where rain has fallen widely and most opportunely; and the Native State of Mysore. In all these the outlook at present is much more favourable than in 1896. To the absolutely secure area may be added, as in 1896, Sindh and the South-West Punjab which rely wholly on canal irrigation from the perennial snow-fed rivers of the Himalayas.

"The second group comprises those Provinces, Districts, or States where prospects are mediocre, though marked failure of crops or general distress is not anticipated. In this group may be placed the South Mahratta and South Deccan districts of the Bombay Presidency, a large part of the Nizam's Dominions, the greater portion of the Central India Agency, the western half of the North-Western Provinces and the northern and submontane districts of the Punjab. In the three tracts last enumerated much will depend on the extent to which sowings for the winter crop may be found practicable. At present sowings on unirrigated lands are in these tracts impeded by the exceptional dryness of the soil. But the area commanded by wells and canals is very large,

and if an inch of rain should fortunately fall between now and the 15th November in Central India and the western districts of the North-Western Provinces, and up to a much later date in the Northern Punjab, sowings outside the irrigated area would be undertaken. On the whole, a comparison of the existing situation in the tracts forming the second group with the situation there in 1896 is favourable to the present year.

"The last group comprises the seriously affected area in which scarcity or famine conditions either already exist or must be expected. This area is unhappily large. It comprises about 100,000 square miles in British territory, with a population of 15 millions, and about 250,000 square miles in Native territory, with a population also of about 15 millions. In 1896 the seriously affected area comprised about 200,000 square miles in British India, with a population of 45 millions, and 80,000 square miles in Native States, with a population of 7 millions. It includes about $\frac{2}{3}$ ths of the Central Provinces, nearly the whole of the Berars, the North Deccan and Guzerat in the Bombay Presidency, and the South-East and Central Punjab. It further includes the territories of large and important Native States in Central and Western India. The large group of Native States in North Bombay, the Baroda State, the greater part of the Indore State, and virtually the whole of Rajputana, and some minor States in Central India, are very seriously affected. In this great expanse of Native territory between the Sutlej and the Nerbudda, pasturage has failed for the herds which largely represent the wealth of these States, and great losses of agricultural stock are inevitable. Fortunately, the population is comparatively sparse. In extent and intensity the present drought in Rajputana and North Bombay equals, if indeed it does not exceed, the memorable drought of 1868, the year which affords the nearest parallel to the present year within this century. In the British Districts of Guzerat scarcity of water and fodder is also great, and though great exertions to import fodder and to provide central relief camps for cattle on the banks of rivers are being made by the Bombay Government, much loss, it is feared, will befall the agriculturists. Otherwise, the districts of Guzerat are better fitted by their wealth and prosperity than almost any other part of India to tide successfully over the difficulties caused by a loss of the year's harvests. The failure of the rain crops in the Central Provinces is probably not as great as in 1896, but it is feared that unless rain speedily comes, the prospects of a cold weather crop will be poor." The gravity of the situation here is much increased by the depressed condition of the population, which has not recovered from the disasters of the great famine of 1896-98. The South-East Punjab, especially the districts of Hissar, Gurgaon and Rohtak, which were affected by the drought of 1896-97, are again affected, and in a worse degree. Conditions here are similar to those existing in Rajputana, and great loss of cattle is anticipated.

"The net result of these comparisons is that a much smaller area and population in British India are this year seriously affected, and a much larger area and population in Native States, as compared with the affected area and population in 1896-97. The total population of the area in which the harvests are seriously deficient in British and Native territory may be put at 30 millions against 52 millions in 1896-97. There is no reasonable doubt as to the sufficiency of the food stocks of India as a whole for the requirements of the country up to July next, when the rains of 1900 will, it is hoped, be established. How far the existing stocks will be replenished by the outturn of the cold weather crops is a matter of uncertainty, as the outturn will depend on the presence or absence of rain during the next three months. But in the North-Western Provinces and the Punjab the perennial canals may be relied on to irrigate $4\frac{1}{2}$ million acres, and the area protected by wells in both provinces is also very large. Even assuming that no rain falls in these provinces in time to aid the cold weather sowings, the crops raised with the help of irrigation in the driest districts will be very considerable, and there is besides a great and fertile area especially adapted for cold weather crops between the eastern borders of Bihar and the western confines of Oudh, where the soil has retained sufficient moisture to admit of sowings generally. The stimulus which the high prices of a year of scarcity give to cultivation in India, wherever cultivation is possible, was

strikingly illustrated in 1896-97, and it is quite certain that, however adverse the coming season as regards rain may be, the same influence will operate to bring every possible acre of land under a winter crop of some kind.

"Prices of grain in the famine affected tracts, and indeed throughout India, have risen very much, and are now as high as they were in October, 1896.

"It is probable that, as in 1896, the extreme limit has already in most places been reached, and that as panic and speculation abate, and the possibilities of importing wheat and maize from America and other countries (to say nothing of rice from Burma and Bengal) are more fully recognized by the trade, a decline will set in. It is a significant fact that a considerable quantity of foreign wheat has already been sold to up-country buyers in the Calcutta market at a rate which would enable it to be laid down at Ajmer, in the very heart of Rajputana, at the price of 16 lbs., or 8 seers, the rupee. At the close of the famine of 1896-97 the American maize received by the Indian Charitable Relief Fund Committee from the United States was very highly thought of and eagerly accepted by the people in the Central Provinces and the Punjab. There would seem to be a good opening for the importation this year of maize in large quantities on remunerative terms, and there is a large market for it in many parts of the country.

"It is scarcely necessary to say that the Government of India will adhere to their policy of absolute abstention from any interference with private trade in the matter of grain imports from abroad. The wisdom of this policy was thoroughly established in the famine of 1896-97. It is also anticipated that, as in 1896-97, the internal trade of the country will be fully equal to supplying local requirements throughout British India. The extreme activity of the grain traffic on every railway at the present moment is the best evidence of this. In the Rajputana famine of 1868 the cost of carrying grain from Agra to Ajmer was Rs. 2.4-0 the maund. The sole means of conveyance was by camels, and even camels failed. The cost of railway carriage between these places is now only two or three annas the maund. In 1868 the Rajputana-Malwa Railway was not built, and in Jodhpur and Meywar there was absolute dearth of food. The South-East Punjab was similarly unprotected. The railway map of India for the present year will show how totally conditions in these regions have changed. So far as the Government of India are aware, no Native State has expressed apprehension that food will not be obtainable in its territories, or that private trade will be unequal to the task of importing whatever quantity is needed.

"The estimates of expenditure on direct relief returned by the Local Governments point to a probable outlay of 1 crore or $1\frac{1}{2}$ crores of rupees up to the 31st March, 1900. These estimates have to be received with all caution, as it is too early to foresee how events will run. There will be further outlay on account of loans and advances to agriculturists. On the receipt side of the account the land-revenue collections will necessarily show some falling off. On the other hand, there will be increased railway earnings and increased irrigation receipts.

"The principles and practice of famine relief are now so generally known that it is unnecessary to explain them in detail. The Famine Commission which sat last year, while making a number of useful suggestions on minor points, had to admit that the general method of relief procedure had stood the test of practice. The Famine Commission's recommendations have not yet been formally embodied in the local Famine Codes, but they have been for some time under the consideration of Local Governments, and in many respects they are being acted on. In all the Provinces relief organization is complete and ready to cope with distress, as distress becomes apparent. According to the latest reports 63,000 persons are on relief in Bombay, 71,000 in the Punjab, 121,000 in the Central Provinces, 28,000 in Berar, and 70,000 in Ajmer-Merwara. In all, 250,000 in British India. In October, 1896, the number of persons on relief was only 50,000. The difference in numbers is due partly to the earlier date at which distress has unmistakably declared itself, but in a large measure also to the greater vigilance and promptitude engendered by the experiences of 1896-97.

"With regard to Native States, the primary responsibility for affording relief to their subjects rests with the Rulers. They have to assist them in the discharge of this responsibility, a simplified edition of the Famine Codes of British India, and the friendly help and advice of the Residents and Political Officers. The larger Native States have competent engineers in their employ, who can undertake the supervision of any important public works undertaken for relief purposes. The Government of India have volunteered the loan of any other officers who may be needed to supervise relief measures, and have offered to assist with loans of money any State in Rajputana whose resources are unequal to the strain of famine relief. From the reports which have reached him the Governor General in Council feels assured that in Rajputana and elsewhere the ruling Chiefs of Native States fully recognize the exceptional responsibilities devolving on them, and are animated with an earnest wish to succour their people."

His Excellency THE PRESIDENT said :—"I should like to supplement the detailed statement to which we have just listened from the Hon'ble Member in charge of the Revenue and Agricultural Department by a few observations of a more general character upon the attitude and policy of Government. It has been a source of great distress to me—and my feelings in this respect are those of all my Colleagues—that in my first year of office, while plague, the first great Indian scourge, has remained a persistent visitor, the second, which is famine, should once again be threatening this sorely tried country and its patient and unmurmuring population. For months past it is no exaggeration to say that the daily meteorological report has been to everyone of us, who are in our different spheres responsible for Indian government, the document to which we have turned with the most anxious interest each morning; and day by day as we have contemplated a sky of brass and an unclouded sun, we have longed bitterly, and would have sacrificed much, for the sight that met the watcher upon Carmel, of the little cloud no bigger than a man's hand.

"If, in our regrets at the ill fortune that has attended us, we may nevertheless recognize some grounds of legitimate alleviation, they will consist in the facts that we had upon the present occasion long warning of the coming scarcity, and have, in consequence, been able to formulate our plans of campaign in advance; and, secondly, that while the area of certain distress is unfortunately large—much too large—it is yet considerably smaller than the corresponding area in the famine of 1896-97, and, if Providence should favour us with late autumnal rains, is still capable of contraction. In Rajputana it is to be feared that the suffering will be in excess of any since the sad year of 1868-69; and in the Central Provinces, I regret to think that a portion of the ordeal of three years ago may again have to be endured by the same poor people who have barely had time to recover from the last shock. But elsewhere, as Mr. Rivaz has shown, the situation, though grave, affords less ground for acute apprehension; while in many parts of India the sufferings of the unfortunates elsewhere will, to some extent, be balanced by exceptionally favourable conditions.

"The narrowness and the comparatively precise definition of the areas affected should enable us to devote our energies to their relief with all the greater concentration. I do not pretend that, in so doing, we have any novel or startling methods of procedure to announce. Perhaps the worst and least re-assuring declaration that a Viceroy could make upon an occasion like this would be that the Government of India proposed to experiment in respect of scarcity and famine. Our proceedings must be, and will be, founded upon the very opposite extreme of principle. All that we have acquired from the recorded observations of a century; all that we have learned from the experience of the past 25 years, during which India has three times been visited by serious famines; all that we have been advised or warned by the recent Famine Commission: these must be the bases of our action. They will furnish the pocket-book for field service, with which our soldiers of peace will enter upon their humane and bloodless campaign.

"If I be asked to summarize the action which it is in the power of the Government of India to take against famine, in respect either of executive intervention, of sympathetic assistance, or of local control, I would make the

following reply. In our own territories we have a fourfold scheme of operation : in the larger villages and towns, we open poor-houses for the reception and sustenance of the famishing waifs and strays ; in the country hamlets, we distribute gratuitous relief, weekly or fortnightly, to the sick and aged, the widow and the orphan ; we employ tens of thousands of impoverished but willing hands upon relief works, the making of roads, the digging of tanks, the construction of embankments for future lines of railway. The Hon'ble Member has in his speech given you some idea of the numbers who are already thus engaged ; and they represent but a small fraction of the total for whom our existing organization would enable us, with scarcely a hitch, to provide paid employment of this character, should the emergency arise. Finally, by the appointment of special officers, selected for their training or experience, we supplement the existing staff, and endeavour both to supply a stimulus, and to strengthen local supervision.

" These are our more immediate measures. Prospectively, we always have in contemplation *Taccavi* advances, to enable the peasant to sow his seed before the next rains, and—that ultimate stand-by of the distressed agriculturist in all lands—remission of rent, or as we call it in India, land revenue. I do not think that in any period of scarcity or famine, the Government of India has shown an inclination to be ungenerous in these particulars.

" If we turn to the situation as it affects Native States, we are necessarily upon somewhat different ground. Here we must be careful to do nothing that would diminish the responsibility or slacken the energies of the Native Chiefs and Durbars. The Government of India should not step in either to usurp their proper functions, or to relieve them of an obligatory duty. On the other hand, we may do much, and in the case of Rajputana we are endeavouring to do much, by the loan of officers, and by the offer of expert advice, to systematize and to co-ordinate local action. We can further help Native States with loans from the Imperial Exchequer ; and I believe that my Hon'ble Colleague, the Finance Member, is prepared to show a far from obdurate disposition in this respect ; and we may, by individual acts of assistance or relief, contribute to lessen the strain. For instance, I may mention that a little while ago I offered to remove, and to maintain at the expense of the Government of India, one of the two Imperial Service Cavalry Regiments of Jodhpur during the present and forthcoming distress ; and that this offer was gladly accepted by the State.

" May I venture to add that there must be many localities—populous districts or large cities in which men of substance reside—where some local effort for the assistance of their suffering countrymen would be most acceptable. I have already heard of such private charity having been started in some cases—of a local Famine Relief Fund, of a subscription list, and of a Committee of Distribution. There are large classes of the native population who are not touched either by relief works or by gratuitous relief ; but who may be saved from perishing by the timely exercise of such philanthropy. In detailing the liberal and sustained plan of action with which the Government of India is prepared to meet the emergency, I feel that I have a peculiar right to call also upon India's own sons to come to her rescue in the hour of her trial.

" My own knowledge of Famine Work and Famine Relief is necessarily at present, owing to the short time which I have spent in the country, only in an incipient stage. May I add that I propose to invest it, in so far as I can, with a more practical and beneficial complexion, by visiting in the course of my forthcoming tour a large number of the principal areas of distress in Northern and Central India. The experience which I shall thereby gain may, I hope, enable me both to render useful help on a future occasion, should such arise, and to enter more closely into the sorrows, as well as the joys, of the Indian people."

The Council adjourned *sine die*.

SIMLA ;

The 20th October, 1899.

J. M. MACPHERSON,

Secretary to the Government of India,

Legislative Department.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 23, 1899.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA,
ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULA-
TIONS UNDER THE PROVISIONS OF THE INDIAN COUN-
CILS ACTS, 1861 AND 1892 (24 & 25 VICT., CAP. 67,
AND 33 & 34 VICT., CAP. 14).

The Council met at Government House, Calcutta, on Friday, the 22nd Decem-
ber, 1899.

PRESENT:

His Excellency Baron Curzon of Kedleston, P.C., G.M.S.I., G.M.I.E., Viceroy
and Governor General of India, *presiding*.
His Honour Sir John Woodburn, K.C.S.I., Lieutenant-Governor of Bengal.
The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.
The Hon'ble Sir A. C. Trevor, K.C.S.I.
The Hon'ble Mr. C. E. Dawkins.
The Hon'ble Mr. T. Raleigh.
The Hon'ble Mr. Denzil Ibbetson, C.S.I.
The Hon'ble Mr. Allan Arthur.
The Hon'ble Mr. P. M. Mehta, C.I.E.
The Hon'ble Nawab Mumtaz-ud-daula Muhammad Faiyaz Ali Khan.
The Hon'ble Mr. J. K. Spence, C.S.I.
The Hon'ble Mr. G. Toynbee.
The Hon'ble Mr. D. M. Smeaton, C.S.I.
The Hon'ble Nawab Bahadur Sir Khwaja Ahsanullah, K.C.I.E.
The Hon'ble Kunwar Sir Harnam Singh Ahluwalia, K.C.I.E., of Kapurthala.
The Hon'ble Mr. J. T. Woodroffe.
The Hon'ble Mr. J. Buckingham, C.I.E.
The Hon'ble Mr. H. F. Evans, C.S.I.
The Hon'ble Rai Bahadur B. K. Bose, C.I.E.

NEW MEMBERS.

THE Hon'ble KUNWAR SIR HARNAM SINGH, the Hon'ble MR. J. T. WOODROFFE, the Hon'ble MR. J. BUCKINGHAM, the Hon'ble MR. H. F. EVANS

and the Hon'ble RAI BAHADUR B. K. BOSE took their seats as Additional Members of Council.

WHIPPING BILL.

The Hon'ble MR. IBBETSON moved that the Bill further to amend the Whipping Act, 1864, be referred to a Select Committee consisting of the Hon'ble Mr. Raleigh, the Hon'ble Mr. Mehta, the Hon'ble Mr. Spence, the Hon'ble Sir Khwaja Ahsanullah and the mover.

The motion was put and agreed to.

TRANSFER OF PROPERTY BILL.

The Hon'ble MR. RALEIGH moved that the Bill to amend the Transfer of Property Act, 1882, be referred to a Select Committee consisting of the Hon'ble Mr. Mehta, the Hon'ble Mr. Spence, the Hon'ble Rai Bahadur P. Ananda Charlu, the Hon'ble Mr. Woodroffe and the mover.

The motion was put and agreed to.

PRISONERS BILL.

The Hon'ble MR. RALEIGH moved that the Bill to consolidate the law relating to Prisoners confined by order of a Court be referred to a Select Committee consisting of the Hon'ble Mr. Ibbetson, the Hon'ble Nawab Muhammad Faiyaz Ali Khan, the Hon'ble Sir Harnam Singh, the Hon'ble Mr. Evans and the mover.

The motion was put and agreed to.

INDIAN ARTICLES OF WAR AMENDMENT BILL.

The Hon'ble MAJOR-GENERAL SIR EDWIN COLLEN moved for leave to introduce a Bill to amend the Indian Articles of War. He said:—"The Bill which I am about to ask leave to introduce deals with a matter of some importance to the Native Army. In very early days, Commanding Officers of Native Infantry Regiments were empowered by Regulation to discharge unattested recruits who did not give promise of turning out good soldiers, and, similarly, Commanding Officers of Native Cavalry Regiments had the power of discharging men under three years' service who failed to become good riders and good cavalry soldiers. There was some doubt as to the legality of the practice as tested by the provisions of the Indian Articles of War, and the practice was discontinued; but experience has proved that these powers are necessary, and that their exercise conduces to the efficiency of the Native Army; and we propose to place beyond doubt the legality of the Regulations."

The motion was put and agreed to.

The Hon'ble MAJOR-GENERAL SIR EDWIN COLLEN introduced the Bill.

The Hon'ble MAJOR-GENERAL SIR EDWIN COLLEN moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

The Council adjourned to Friday, the 5th January, 1900.

J. M. MACPHERSON,

CALCUTTA;

The 22nd December, 1899.

} Secretary to the Government of India,
Legislative Department.